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Delaware. General Assembly. Senate

PAPERS OF THE HISTORICAL SOCIETY OF DELAWARE.

VI.

Senate

MINUTES

—OF—

THE COUNCIL

OF THE

DELAWARE STATE,

FROM

1776-1792

1776 TO 1792.

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THE HISTORICAL SOCIETY OF DELAWARE,
WILMINGTON.
1887.

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Delaware General Assembly Senate
Minutes of the council of the
Delaware State 1776 to 1792

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(Papers of the Delaware Historical Society #6

1887

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INTRODUCTORY NOTE.

Although the Swedes were not the original discoverers of the Delaware Bay and River, they were the first colonists who made a permanent settlement on its western shore. Henry Hudson, under a commission from the Dutch East India Company, having failed to find a nearer route to China by the Northern Seas, turned his course southward to explore the coast of North America. In the prosecution of this object, he sailed into the Delaware Bay, above Cape Henlopen, on the 28th of August, 1609, but, believing the navigation to be dangerous on account of sand-bars, did not go up the river. In the following month he anchored off Manhattan Island, and subsequently ascended the river which still bears his name. In October, of the same year, he returned to Holland with a report and chart of his discoveries. In the next year, 1610, some merchants of Amsterdam, acting as partners, freighted a ship and sent her to Manhattan to trade with the natives. This adventure proving profitable, they obtained from the States-General exclusive authority for four years to trade on the North River and its vicinity. In 1614, the Dutch built Fort Amsterdam on the southern point of Manhattan, and, at a later period, Fort Orange on an island near Albany. At these places they enjoyed a monopoly of trade with the Indians for several years. In 1621, the States of Holland granted a charter for twenty-four years to the West India Company, with exclusive powers and privileges. The business of the company was commercial. To successfully prosecute it, colonization was necessary. Hitherto the Dutch had only established trading-posts in America; but from this time efforts were made to settle the country, both on the Hudson and the Delaware,* or South River, as it was then called. It was under the auspices of this Company that the first Dutch colonists landed on the shores of the Delaware, in 1623. They came from Holland under the leadership of Cornelius May. They brought with them merchandise and the means of defense, and sailed up the river as far as Gloucester Point, New Jersey, about four miles

* So called in honor of the English peer of that name who entered the bay one year after its discovery by Hudson.

south from Philadelphia. Here May landed and built Fort Nassau. This adventure was not profitable. De Vries, it is conjectured, came over from Holland in the spring of 1631, with a ship and a yacht, laden with cattle, grain, seeds and agricultural implements. His people settled near Cape Henlopen, on Lewes Creek, which he named Hoorn-kill, probably after Hoorn, a port in north Holland. He built a trading-house, or fort, and leaving one of the emigrants in command returned home. This colony was destined to be of short duration. Soon after the departure of De Vries, a quarrel arose between the Dutch and the Indians, which speedily terminated in the slaughter of all the former, thirty-two in number.

De Vries came over again in 1633, to see the charred remains of his fort on Lewes Creek and the bones of his murdered countrymen, and sailed up to Fort Nassau, only to find it in the possession of the natives, its former occupants having mostly removed over to Fort Amsterdam. Thus, it will be seen that from the date of Hudson's discovery, 1609, up to the time of De Vries' second visit, every attempt of the Dutch to plant a colony on the Delaware had ended in failure and disappointment. Their settlements on Manhattan Island, and on the North River, in the meantime, had been more prosperous, and continued to grow in population and wealth until all their possessions in America, called New Netherlands, were finally surrendered to the English, under the treaty between the States-General and England, of the 9th of February, 1674.

Gustavus Adolphus, the soldier-king of Sweden, and the champion of the Protestant cause in Europe, in the early part of the seventeenth century, had projected a plan of sending out a colony to America, which he did not live to carry into execution, having fallen in the battle of Lutzen, in 1632, in the zenith of his fame; but his distinguished Chancellor, Oxenstiern, faithful to the memory of his king, and having confidence in the success of the enterprise, prevailed on Queen Christina, the daughter of Gustavus, to give it her patronage. Peter Minuit, who had been Governor of New Amsterdam, and had lately quarrelled with the Dutch Company and been dismissed from his office, was selected to take charge of the expedition, and under his direction two vessels, the "Key of Calmar" and the "Griffin," were equipped for the service. They were stored with provisions, with arms and ammunition, and with merchandise for

trade. They arrived in the early spring of 1638, and sailed up the Delaware. The colonists disembarked at "The Rocks," on Minquas Creek, where they at once erected a fort, naming it, in honor of their youthful Queen, Fort Christina.

By the public records at Stockholm, it appears that in 1640, several companies of emigrants left Sweden for the new colony. One ship, called the Fredenburg, laden with men, cattle, and implements of husbandry, was licensed by the Swedish authorities to proceed to New Sweden, as they called the country on the west side of the Delaware. Peter Minuit, the first Governor, died in 1641, and was succeeded by Hollendare, a native Swede and a soldier by profession, who was soon followed by John Printz, a lieutenant-colonel in the service of the Queen. Governor Printz came out with a little squadron of two ships of war and a transport, having on board soldiers and a large number of emigrants, and arrived at Christina on the 15th of February, 1643. In seeking a location for his colony he found a spot, a short distance above where Chester now stands, called by the Indians, *Tenacong*, since known as *Tinicum*, and, still later, as *The Lazaretto*. In his commission he was styled Governor of New Sweden. His instructions, dated at Stockholm, August 15, 1642, point out, in detail, his official duties. Among other things, he is directed:

"1st. To promote, by the most zealous endeavors, a sincere piety towards Almighty God, in all respects. To maintain the public worship according to the doctrines and rites of the National Church. To support a proper ecclesiastical discipline. To urge instruction and virtuous education of youth and children. To administer justice according to Swedish laws in decision of controversies, and penalties on offenders—even capital, on atrocious malefactors—but not without a scrupulous examination, and the approbation of his counsellors, whom he was to choose amongst the wisest and best men in the colony. To preserve, so far as practicable, the manners and customs of Sweden, accommodating them, in some cases, to existing circumstances. To promote diligently all profitable branches of industry." Particular attention is to be given to agriculture, and to the raising of cattle and sheep. He is also to create a traffic for peltry, with the Indians, and to explore the country for valuable kinds of woods and metals.

"2d. Relating to the Dutch and English. With the first mentioned he was to cultivate a friendly intercourse, but positively to deny their *pretended* right to any

part of the land on the west side of the river, purchased by the Swedes from the Indians; * * * * * and he was authorized, if all friendly negotiation proved fruitless, to repel force by force." * * * * * "Some English families, about sixty persons, having settled in the preceding year, (1641) on Ferken's Creek," (now Salem) * * * * * "he may receive them under allegiance to the Swedish Crown, but rather by gentle means endeavor to effect their departure, as more expedient for the interest of her Majesty, and of the Company."

Soon after the arrival of Printz, the struggle began between the Dutch and the Swedes for the control of the territory on the west shore of the Delaware, from the Schuylkill to Cape Henlopen, the former claiming by right of discovery and settlement, the latter by settlement and purchase from the Indians. The Dutch also bought land from the natives and erected Fort Cassimir, at the place where New Castle now stands. Printz, apprehensive of trouble from this fort, and perhaps to solicit aid from the home government, returned to Sweden in 1652, or 1653, leaving his son-in-law in temporary command of the colony. Before his departure, Printz had built Fort Elfsborg, at the mouth of Salem Creek, on the east side of the Delaware, but this was abandoned, after the erection of Fort Cassimir, on the pretence that it was untenable on account of the mosquitoes, and was called, in ridicule, Fort Mosquito. He had also built Fort New Gottenburg at Tinicum.

Printz was succeeded by Governor Rising, who came over in a man-of-war, with a military engineer, officers, and soldiers. Rising captured Fort Cassimir, the garrison being unprepared for defense, and capitulating on favorable terms.

About the middle of August, 1655, Governor Peter Stuyvesant, with a squadron of seven ships and transports, containing six or seven hundred men, sailed from New Amsterdam and arrived in the Delaware, on the 30th. On the 1st of September he recaptured Fort Cassimir, and on the 14th took possession of Fort Christina, without opposition, the Swedes being practically defenseless against the superior forces of the Dutch. All the other possessions of the Swedes, on the Delaware, fell into the hands of the Dutch at this time, and thenceforth the Swedish colony existed only in history.

John Paul Jaquet was the first Dutch Governor on the Delaware. The country

was divided into two colonies; one of these, including Christina, and extending from Christina to Bambo-Hook, was called the "Colony of the Company," and the other, extending north, up the Delaware, to the extent of the settlement, was called "The Colony of the City." Lands in the "Colony of the City," were conveyed in Amsterdam, by the Burgomasters and Council; deeds for land in the Company's Colony were executed by directors and commissioners. Jacob Alrich, December 19, 1656, was appointed Governor of the City Colony, by the Burgomasters and Council, and fixed his residence at New Amstel.* October 28th, 1658, William Beekman was appointed Governor over the Company's Colony, to reside at Altona, now Wilmington. He administered the affairs of the Company, regulated the trade, levied the customs payable on all vessels arriving at New Amstel, and superintended the Swedes.

The number of Swedish families in the colony at this time was 130, as ascertained by an official return, and they made a majority of the whole population. Allowing six persons to a family, there were probably not more than 1200 Europeans on the Delaware in 1659, including women and minors.

At first there was an attempt made to drive out the Swedes. Governor Stuyvesant ordered them to remove, notwithstanding that some of them had been in the country for more than twenty years, had cleared lands, built houses and planted orchards. They were a quiet, peaceable and inoffensive people. The parent government had declined in military power and national influence, and was no longer able to aid them in regaining the control of the country. They refused to go, and Governor Beekman not having any inclination to enforce Stuyvesant's order, nothing more was heard of it. In a few years the Dutch and Swedes, by family alliances, formed one people. The language of the Dutch had such affinity to the Swedish, that their children soon understood the religious services in the Swedes' Church and finally joined in their worship. The Dutch had no regular ministry among them. The Swedes, on the contrary, were careful to maintain public worship as regularly as their isolated situation would admit; and constituting so much the larger portion of the population, especially about Christina, the rising generation of the Dutch lost their national language and character so entirely, that, in 1697, Rudman, who had just arrived from Sweden, as a mission-

*Now New Castle.

ary, says: "We live scattered among the English, yet our language is preserved as pure as anywhere in Sweden." (*Ferris' Original Settlements on the Delaware, 110.*)

On August 27, 1664, New Amsterdam was surrendered to the English, and the remainder of the New Netherlands was soon subjected to the same authority. Colonel Nicholls assumed the administration of the territory on the west side of the Delaware, as Governor, under the Duke of York, to whom it had been granted by Charles II. on March 12, 1664. The Dutch, in August, 1673, recaptured all the New Netherlands, and once more in possession of their old domain in America, reëstablished the government under their own officers. But, in the following year, on the conclusion of the war between England and the States-General, by the treaty of Westminister, made February 19, 1674, the country was restored to the English.

On the 4th of March, 1680, Charles II. granted to William Penn the province of Pennsylvania, and on the 24th of August, in the same year, the Duke of York conveyed to Penn the "territories of Pennsylvania," or "the three lower counties on Delaware." Sir Edmund Andross was the last Governor, under the Duke of York, who exercised authority over Delaware, his administration ending on the establishment of the Proprietary Government. Courts had been established in each of the Counties, and the Governor, as the deputy of the Duke, issued patents for locating lands, and executed deeds.

Penn first landed at New Castle, on the 24th of October, 1682, and after formally taking possession of the country, proceeded to Upland, now Chester, and on the 4th of November summoned an Assembly, to consist of an equal number of members for the province and the three lower counties, according to the 16th article of the frame of government which had been made before his departure from England, with the approval of the authorities there. At this Assembly an act of union was passed, annexing the three lower counties, at their own request, to the province, in all matters of legislation. Also an act of settlement, confirming certain laws agreed on in England, with some alterations, was passed in form. The Dutch, Swedes, and other foreigners were then naturalized, and the Assembly adjourned, after a session of three days. The Legislature was composed of a Provincial Council and Assembly, called the General Assembly,

the members of which were elected by the freemen of the Province and Territories, three for each county for the Council, and nine for the Assembly. The counties were named Philadelphia, Bucks, and Chester; New Castle, Kent, and Sussex. The Governor and Provincial Council were to prepare and propose to the General Assembly all bills which they should jointly assent to, "not inconsistent with the powers granted by the King's letters patent to the Proprietary and Governor aforesaid."

Thus was instituted, under favorable auspices, the government of Penn.

In 1684, Governor Penn was compelled to return to England to look after his own and the interests of his infant colony, and delegated his powers for two years to a commission, of which Thomas Lloyd was President. This commission was afterwards renewed from time to time, as Penn did not revisit the Province until the autumn of 1699. In the meanwhile, dissensions took place between the Province and the Territories, growing out of the jealousies and differences of sentiment between them, which finally culminated in a separation.

The principal grievance of the Representatives of Delaware, as appears by their protest, dated at Philadelphia, the first of the second month, 1691, seems to have been "the encroachments made upon their rights and privileges by the Province, in imposing officers upon them, without their consent or approbation." Later still, they complained of the burthens imposed upon them by the union with the Province, in that their part of the expenses of the government was greatly increased, without any corresponding benefit, and finally, after the rising of the General Assembly, on the 28th of October, 1701, the Province and Territories never again joined in acts of legislation. Penn endeavored to reconcile the opposing bodies, but without success, and at last consented to their separation, giving to each its own government, in case they could not agree. Penn sailed for England again at the close of the year 1701, having constituted Andrew Hamilton his deputy, and James Logan, secretary.

Hamilton died in December, 1702, and the greater part of his administration had been employed in endeavoring to effect a union between the Province and the Territories, under the new charter of privileges granted by Penn just before he left the country, and under which a way was opened for the return of the

Territories; but the latter still complained that they were outnumbered and outvoted in the Assembly. They expressed their willingness to reunite in legislation with the Province, under the new charter, dated at Philadelphia, the 28th of October, 1701, as they understood it: "That is to say: If the Province will join with us in representing the same by four members out of each county, so that our representatives may be equal in number, conform to the second article of the said charter, and the ancient use and practice of this government." The new charter had left the choice of union or separation open for three years, and this proposition of the Territories was made the 13th of April, 1704. The offer was refused by the Province.

As exhibiting the comparative wealth of the Territories with the Province, the sums raised by a tax of one penny in the pound, in the fifth year of the reign of William and Mary, for the support of the government, show no great disparity between the two. The amounts paid by the different counties were as follows:

Philadelphia,	£314	11	11
New Castle,	143	15	0
Sussex,	101	1	9
Kent,	88	2	10
Chester,	65	0	7
Bucks,	48	4	1

John Evans, on the death of Hamilton, was appointed Deputy Governor by the Proprietor, with the Queen's royal approbation, and arrived in the Province, in December, 1703. Failing, like his predecessor, to effect a reunion, he, in the latter part of 1704, met the Assembly of the lower counties, at New Castle, which was the first to act independently of the Province, and thenceforward the separation was complete. The first law recorded under his administration was "An act about seven years possession," and was "enacted by the honorable John Evans, Esq., with Her Majesty's Royal approbation, Lieutenant-Governor of the Counties of New Castle, Kent, and Sussex, on Delaware, and Province of Pennsylvania, by and with the advice and consent of the freemen of the said Counties, in General Assembly met, and by the authority of the same." This was in 1704. And in this style the legislation of the Counties was conducted under successive Lieutenant-Governors, until John Penn was appointed "Gov-

ernor and Commander-in-Chief of the Counties," &c., in 1773. The last act to which he gave his official approval, passed October 28, 1775, was a supplement to "An act for the more effectual ascertaining and fixing the limits of the several counties within this government, and for remedying some inconveniences that may arise by the late establishment of the boundaries and divisional lines between the same and Maryland.

The Colonial government ended with the Declaration of Independence by the Congress of the United States, on the fourth of July, 1776, and with remarkable promptitude a Convention was called and a State government organized under a Constitution entitled "The Constitution or System of Government, agreed to and resolved upon by the Representatives in full Convention of the Delaware State, formerly styled the Government of the Counties of New Castle, Kent, and Sussex, upon Delaware, the said Representatives being chosen by the Freemen of the said State for that express purpose." This instrument bears date the 20th of September, 1776, and the first election for members of the General Assembly was held on the 21st of October following, in the court-houses in the several counties. The first session of the new legislature met at "New Castle-on-Delaware," October 28, 1776.

The Council of Delaware, the minutes of whose proceedings, from 1776 to 1792, are contained in the following pages, was a part of the legislative body of the State, corresponding to what is now called the Senate. It was organized under the Constitution of 1776, and continued in existence until the Constitution of 1792 went into operation. It was composed of nine members, three from each county, who were required to be freeholders and twenty-five years of age, and were elected by the people in such manner that one-third of the Council was elected every year. The other branch was called the House of Assembly, containing seven members from each county, elected annually. The Legislature was known as the General Assembly of Delaware. A President, or Chief Magistrate, was chosen on joint ballot by both houses, and in case of his death, inability, or absence from the State, the Speaker of the Council exercised the powers of President until a new appointment by the General Assembly.

A Privy Council, of four members, was chosen by ballot, two by each House, whose duties appear to have been to advise with the President in relation to

embodying the militia, calling special meetings of the General Assembly, in making appointments to certain offices, and in filling vacancies in others until a new election.

Some few omissions will be observed in the printed pages, which could not be supplied with accuracy, owing to the accidental mutilation of the original manuscript journal, but enough has been preserved intact to form a record of historical value.

John McKinly was the first President chosen for the prescribed term of three years, from Feburary, 1777, but his administration was cut short by his capture by the British, at Wilmington, at the close of the battle of Brandywine, on the 11th of September, in the same year. On March 30, 1778, it is recorded, that, "Whereas his Excellency John McKinly, our worthy President, taken by the enemy in September last, still remains a prisoner, with little prospect of exchange shortly, and the Speaker of Council, who acts as Vice-President, requesting to be relieved from the duties of that office," etc., thereupon the two houses, on the next day, by joint ballot, elected Cæsar Rodney for the full term of three years. He was succeeded by John Dickinson, on November 13, 1781, who continued in office until his election as President of the Supreme Executive Council of Pennsylvania. Governor Dickinson, as we learn from his valedictory to the legislature, had designed before this to remove his family to Wilmington and make that place his permanent residence. This purpose was afterwards carried out. He resided in Wilmington during the latter years of his life, and on his death was interred in the burial ground attached to the Friends' Meeting House, at the corner of 4th and Washington streets. The Vice-President filled the office until February 1st, 1783, when Nicholas Vandyke was elected, who served a full term, and was succeeded by Thomas Collins, on whose death, Joshua Clayton was elected, and he was the last President or Governor under the Constitution of 1776.

Among the many interesting subjects and measures brought before the Council, not the least important were the joint resolutions in relation to the calling of a Convention to ratify the Constitution of the United States, which were adopted, November 10, 1787. An election for Delegates to the Convention was ordered for Monday, the 26th of the same month, and the Convention was to assemble at

Dover, on the Monday following. As a fact of history, the Convention was held, and ratified the Constitution, without a dissenting voice, on the 7th of December, but the journals of the Convention have been lost, and we have no further record of its proceedings than that the ratification was duly certified to Congress. One of the joint resolutions, just mentioned, requests the particular attention of the Convention to "the proposition submitted to the General Assembly, by petition from divers of the freemen resident in the upper part of this State, of ceding to the United States a district within the State for the seat of the Government of the United States, and for the exclusive legislation of Congress."

On October 25, 1788, George Read and Richard Bassett were elected to represent the State in the Senate of the United States. They were the first Senators from Delaware.

If the limits of this note permitted a more detailed reference to the many matters of historical interest contained in the "Minutes," it would be a pleasing task to make mention of some incidents connected with the progress of the Revolutionary War, the recruiting of troops, furnishing supplies, etc.; of the wise and judicious legislation of those early days, and of the reputation and ability of the men who served in our state and national governments. It will be observed by the most casual reader that, in the orderly conduct of business, in the careful deliberation given to every measure, in provident care for a most uncertain future, in the dignified tone and scholarly style of their public papers, and in the prompt and efficient discharge of official duty, the legislators of 1776–92, will bear a favorable comparison with any of later times, either in or out of the State.

MINUTES OF COUNCIL.

OCTOBER, 1776.

MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,
MONDAY, October 28th, 1776.

At a meeting of the Council, one of the branches of the Legislature for the Delaware State, it appears, by the returns of the Sheriffs and Inspectors of the Counties of New Castle, Kent and Sussex, that on the 21st day of October, instant, at the usual places of election for the said counties, the following gentlemen were chosen members thereof, with the number of votes annexed and following each name, to wit:

FOR NEW CASTLE COUNTY.

George Read, with 280 votes.
Nicholas Vandyke, with 246 votes.
Richard Cantwell, with 244 votes.

FOR KENT COUNTY.

Thomas Collins, with 645 votes.
James Sykes, with 642 votes.
Richard Bassett, with 639 votes.

FOR SUSSEX COUNTY.

John Wiltbank, with 542 votes.
William Polk, with 541 votes.
Daniel Dingee, with 541 votes.

And the names being called over, they all appeared except Richard Cantwell, Esq.

Council adjourned till to-morrow, 3 o'clock, P. M.

TUESDAY, P. M., October 29th, 1776.

Council met. Present all the members, who proceeded to the choice of a Speaker, when George Read was unanimously chosen.

The Speaker, in the Chair, Mr. Slator Clay was appointed Clerk, and Robert Booth, Doorkeeper.

Then the Speaker, in the Chair, and afterwards all the members, took and subscribed the oath and the declaration prescribed by the Constitution or system of government formed by the late Convention for this State.*

On motion,

Resolved, That a quorum of this Council shall consist of five members, including the Speaker.

On motion,

Ordered, That Messrs. Bassett and Vandyke be a committee

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* The oath, and the declaration of faith, here and subsequently mentioned, are recorded and signed in a "Book of Qualifications," as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

GEO. READ, *Speaker*.
NICH'S VANDYKE.
R'D CANTWELL.
THOS. COLLINS.
JAMES SYKES.
RICHARD BASSETT.
JOHN WILTBANK.
WM. POLK.
DAN. DINGEE.

to report a set of Rules for conducting the business of this Council.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., October 30th, 1776.

Council met. Present all the members.

Slator Clay attended and took and subscribed a qualification for the faithful execution of the office of Clerk of this Council, and that he will not disclose or reveal the secrets thereof.**

The committee appointed to report a set of Rules for conducting the business of this Council brought in their report, which, by order, was read and agreed to, and follows in these words, to wit:

RULES TO BE OBSERVED BY MEMBERS OF COUNCIL DURING THE SITTING THEREOF.

1. That all members of Council shall appear at the calling over their respective names at every adjournment.

2. That no member of Council shall be allowed to speak to any one matter or thing above three times, without license from the Speaker first had and obtained, and that no member presume to speak in the House sitting, but direct his discourse to the Speaker standing.

3. That no member of Council shall presume to speak or interrupt any other member whilst he is speaking.

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*The oath here mentioned is given in the "Book of Qualifications," as follows:

I, Slator Clay, do swear that I will faithfully, according to the best of my abilities, perform the office of Clerk of the Council of the Delaware State, and that I will not disclose or reveal the secrets thereof.

SLATOR CLAY.

4. That no member go out of the House during the sitting thereof and continue thereout above the space of half an hour without leave first had and obtained.

5. That where any question is put in Council that may cause a debate, the names of the members who are for the affirmative, and also those who are for the negative, be set down at large on the minutes, being first moved for by one or more of the members thereof.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions respecting the augmentation and reënlistment of the Continental army during the war, which were read and laid on the table for consideration.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit:

That the House of Assembly requested the Council to appoint a committee to confer with a committee of their House on the subject matter of making a Great Seal for this State, and withdrew.

The Council, taking the same into consideration,

Resolved, That Messrs. Sykes and Vandyke be appointed a committee from this House to confer with the committee of the House of Assembly on the subject of forming a device and making a Great Seal for this State.

Ordered, That Mr. Bassett wait on the House of Assembly and inform them of the said appointment.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly, according to order, and informed them of the same appointment.

The Council entered upon the consideration of the letter from the President of Congress and the resolutions inclosed therewith, and thereupon

Resolved, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say:

Gentlemen:

A letter from the Honorable Mr. Hancock, as President of the Congress, inclosing sundry resolutions of that body respecting the augmentation and reënlistment of the Continental army during the continuance of the war, being laid before us, we think it our duty to give you this immediate information thereof, sending herewith the letter and its inclosures, and as this business is of the greatest importance, we wish that it might be proceeded upon in the most effectual and expeditious way, and therefore propose to your honorable House the appointment of committees by both Houses to confer upon the subject matter of the said letter and resolutions of Congress, who may severally report upon this business.

Ordered, That Mr. Collins wait on the House of Assembly with this message and the President's letter with its inclosures.

A committee from the House of Assembly, attending, were admitted and delivered the following verbal message, that is to say:

That Messrs. McKean, Cook and Robinson were appointed a committee by the House of Assembly to confer with the committee of Council on the forming a device and making a Great Seal for this State, and that they were then ready to attend the conference.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, October 31st, 1776.

The Council met. Present all the members.

Mr. Collins reported that he had waited on the House of Assembly and delivered the message aforesaid, with the President of Congress's letter and its inclosures, according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered a written message from that House, as follows, to wit:

"*Gentlemen:*

"This house has taken into consideration your message relating "to the enlistment of a Battalion in this State to continue in the "service of the United States of America during the present "war, together with the letter from the President of the Congress "and its inclosures, and thereupon appointed Messrs. Robinson, "Ridgely and McKean a committee to confer with a committee "of your honorable House on the subject matter thereof, at such "time and place as your House shall appoint."

And the same being taken into consideration,

Ordered, That Messrs. Sykes, Vandyke and Collins be a committee to confer with the committee appointed by the House of Assembly on the subject matter of the message aforesaid, to meet at the house of Mr. Anderson this afternoon.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them of this appointment.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, November 1st, 1776.

Council met. Present all the members.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of the committee of Council as aforesaid.

Some of the members desiring leave to attend committees, adjourned till to-morrow morning, 10 o'clock.

SATURDAY, November 2d, 1776.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the raising of a Battalion from this State to serve in the Army of the United States of America during the present war, upon the terms mentioned in the resolutions of Congress, made their report, which, by order, was read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions of that House upon the report of their committee respecting the raising of the battalion aforesaid to serve during the present war, for the approbation and concurrence of the Council, which, by order, was read the first time.

On motion,

By special order, as well the report of the committee of Council as the resolutions of the House of Assembly aforesaid, were read

second time, and after some debate had thereon, the further consideration of the same was deferred till the afternoon.

The committee appointed to confer with a committee of Assembly on the subject matter of forming a device and making a Great Seal for this State, brought in their report, which, by order, was read the first time.

On application of Mr. Collins for leave of absence till Monday afternoon, the same was granted.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Collins.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House upon the report of the committees of conference respecting the forming of a device and making a Great Seal for this State, which, by order, was read the first time.

On motion,

By special order, the same was read a second time and concurred in, and is in the words following, to wit:

"*Resolved*, That a committee of one member from each House "be appointed to procure, as soon as possible, a silver seal of "the diameter of three inches and of a circular form, and that "there be engraven "Britannia" on the right side thereof, and "on the left, opposite to her, "Liberty," (in the usual shapes) "with a label proceeding from Britannia to Liberty in these "words: "Go to America;" and that there be engraven on the "top, the shape of a book, having these words therein: "The

"Bill of Rights;" and at the bottom another book having these "words therein: "The System of Government;" and that there "shall be an inscription round the same, near the edge or ex- "tremity thereof, in the words following, in capital letters: "'THE GREAT SEAL OF THE DELAWARE STATE,' "with the figures 1776.

"*Resolved*, That Mr. McKean be appointed on the part of this "House for the purpose above mentioned."

On motion,

Resolved, That Mr. Sykes be appointed on the part of the Council for the carrying the resolution aforesaid into execution.

Ordered, That Mr. Vandyke wait on the House of Assembly, with the concurrence of Council to their resolution, and inform that House of the appointment of Mr. Sykes to join with Mr. McKean in procuring the Great Seal for this State.

The Council resumed the consideration of the resolutions of the House of Assembly respecting the raising a battalion from this State to serve during the war in the Army of the United States, and after some time spent therein it was deferred till Monday next.

Adjourned till Monday morning, 10 o'clock.

MONDAY, November 4th, 1776.

Council met. Present all the members, except Messrs. Cantwell and Collins.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of Mr. Sykes to join Mr. McKean in procuring a Great Seal for this State.

The Council resumed the consideration of the resolutions of the House of Assembly respecting the raising a battalion from this State to serve during the war in the Army of the United States, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Sykes wait on the House of Assembly with the said resolutions, and amendments proposed by this House, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, November 5th, 1776.

Council met. Present all the members, except Mr. Cantwell and Mr. Collins.

Mr. Sykes reported that he had waited on the House of Assembly, according to order, with their resolutions respecting the raising a battalion from this State, and the amendments thereto proposed by this House, for their consideration and concurrence.

A member from the House of Assembly, attending at the door, was admitted and returned the amendments proposed by the Council to resolutions respecting the raising a battalion from this State, to all of which the House of Assembly agreed except those in the fourth resolution, to which that House proposed further amendments, and the same being taken into consideration were acceded to by the Council.

Whereupon Mr. Vandyke was ordered to wait on the House of Assembly with the concurrence of Council to the said resolutions, which are as follows, to wit:

"1. *Resolved*, That one battalion be enlisted from this State "to serve during the present war, agreeable to the resolutions of "Congress of the 16th of September last.

"2. That a member be appointed by each House to repair "forthwith to the camps in New York and New Jersey and in- "quire into the condition of the battalions there under the com- "mand of the Cols. Haslet and Patterson, and obtain a list of "such officers in Col. Haslet's Battalion as are willing to continue "in the service during the present war on the terms proposed by "Congress; and also a list of such officers in Col. Patterson's "Battalion as may be desirous of supplying vacancies, if any "such shall be.

"3. That the said two commissioners be instructed to consult "and advise with General Washington respecting the promotion "and appointment of officers in the battalion to be enlisted as "aforesaid.

"4. That the said commissioners be furnished with blank "commissions from Congress, and that they, having the appro- "bation of General Washington, may fill up the same with the "names of such officers as choose to continue in the service, "giving preference to the officers in Col. Haslet's Battalion of "regulars, deficiencies to be made up out of the list of officers "belonging to Col. Patterson's Battalion.

"5. That the commissioners take the most speedy and ef- "fectual measures to procure the enlistment of such non-com- "missioned officers and privates in the two battalions aforesaid "as may be willing to engage in the service during the war on "the terms proposed by Congress.

"6. That the said commissioners make particular inquiry into "the condition of the clothing, arms and blankets of the soldiers "belonging to the said battalions, and report the same to the "General Assembly as soon as possible.

"On motion,

"*Resolved*, That Col. Samuel West be appointed on the part "of this House a commissioner for the purposes aforesaid."

Adjourned till to-morrow, 10 o'clock.

WEDNESDAY, November 6th, 1776.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the orders and resolution following, to wit:

"On motion,

"*Ordered*, That Mr. Thompson, Mr. Lockwood, and Mr. "Bradley be a committee to adjust and settle the accounts of the "Military Treasurers of the several Counties in this State, and "report the same to this House.

"On motion,

"*Ordered*, That Messrs. Thompson, Lockwood, and Bradley "be a committee to adjust and settle the pay and accounts of the "officers appointed in the said Third Battalion proposed to have "been raised in this State by the late Convention thereof.

"*Resolved*, That the accounts of the signers of the last emis- "sion of paper currency, and of those persons who attended the "press, etc., be referred for adjustment to the above mentioned "committee.

"*Ordered*, That Mr. Ridgely wait on the Council with a copy "of the above orders and resolution and propose to them the ap- "pointment of a committee of Council to join with the committee "of this House in the business aforesaid, if they think proper."

And the same being read and considered were concurred in, and thereupon Messrs. Sykes and Dingee were appointed to join the committee named by the House of Assembly in the settlements of the several accounts aforesaid, and that they report the same to this House.

The Council proceeded to the nomination of one of their members to repair to the camps in New York and New Jersey, agreeable to the resolutions of yesterday, when Lieut.-Col. Collins was unanimously appointed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with a copy of the appointment of Col. Collins aforesaid, and also with the concurrence of Council to the foregoing resolution and orders of the House of Assembly.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted, and delivered to the Chair a bill entitled

"An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit."

Also, a "Bill for printing and emitting fifteen thousand pounds on bills of credit of this State, to be let out on loan; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same."

Which, by order, were read the first time.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair the following propositions, to wit:

"On motion,

"*Ordered*, That Messrs. Porter, Clarke and Hill be a committee "to wait on the Council and propose to them the appointment of "Delegates from this State to Congress, by joint ballot of both "Houses, as prescribed by the Constitution; and also the ap- "pointment of a Council of Safety for this State, to act during the "recess of the Legislature."

And the same being taken into consideration, the Council concurred in the first proposition, as to the appointment of delegates. As to the appointment of a Council of Safety,

Resolved, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, viz:

Gentlemen:

The propositions delivered to us by your committee respecting the appointment of Delegates from this State to Congress by joint ballot, and also a Council of Safety, to act during the recess of the Legislature, were taken immediately under our consideration. As to the first, the Council have concurred; as to the last, to wit: the appointment of a Council of Safety, we could have wished that some reason had been assigned in the proposition to show the necessity of forming such a power upon our own authority. We can conceive a case that may justify such a measure, to wit: the adjournment of the General Assembly before the appointment of a President and Privy Council under the present Constitution. If this should be the intention of the House of Assembly, and their reason for proposing the appointment of a Council of Safety, we shall think it our duty to join such a provision for the weal of the State in the recess of the General Assembly; therefore we wish to have this business explained.

Ordered, That Mr. Polk wait on the House of Assembly with this message.

Mr. Polk returned and made report that he had delivered the message according to order.

Adjourned till 10 o'clock to-morrow morning.

THURSDAY, November 7th, 1776.

Council met. Present all the members, except Mr. Cantwell.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the declaration of that House of their intention to adjourn before the appointment of a President and Privy Council, and such was their reason for proposing the appointment of a Council of Safety in the recess of the General Assembly.

Whereupon the Council concurred and agreed that the election of Delegates and a Council of Safety be had to-morrow, at three o'clock in the afternoon, in the State House.

On motion,

By order, the bill "to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit,"

Was read the second time, and after some debate, the same was agreed to.

Ordered, That Mr. Bassett wait on the House of Assembly with the said bill and inform them of the concurrence of the Council thereto.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Cantwell.

Mr. Bassett reported that he had waited on the House of Assembly and delivered the bill given him in charge in the forenoon, with the concurrence of Council thereto, according to order.

A member from the House of Assembly, attending at the door, was admitted and informed the Council that the House of Assembly is now ready to proceed to the election of Delegates from this State to Congress, and also a Council of Safety, agreeable to the proposition concurred in by both Houses.

The Council and Assembly, being met in the State House, proceeded to the election of Delegates from this State to the Congress of the United States of America, by joint ballot, which being taken and examined, it appeared that

George Read, Esquire,
John Dickinson, Esquire,
and John Evans, Esquire,

were duly elected. And the ballots being taken for persons to compose a Council of Safety during the next recess of the General Assembly, and the same being examined, it appeared that the following persons were duly elected, to wit:

For New Castle County—James Latimer,
John McKinly,
Abram Robinson,
John Lea,
Nicholas Vandyke.

For Kent County—Cæsar Rodney.
James Sykes,
Thomas Collins,
John Baning,
Richard Bassett.

For Sussex County—David Hall.
Jacob Moore,
John Wiltbank,
John Rodney,
James Rench.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, November 8th, 1776.

Council met. Present all the members.

On motion and order,

The bill "for printing and emitting fifteen thousand pounds in bills of credit of this State, to be let out on loan; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,"

Was read the second time, and divers amendments were proposed and agreed to.

Ordered, That Mr. Cantwell wait on the House of Assembly with the said bill and the amendments thereto proposed by this Council for their consideration and concurrence.

Mr. Cantwell reported that he had waited on the House of Assembly according to the order aforesaid.

The resolution for raising a battalion in this State to serve during the war, and appointment of commissioners to carry the same into execution, being transcribed, were ordered to be signed by the Speaker and to be delivered to the said commissioners.

A member from the House of Assembly, attending at the door with a verbal message, was admitted and delivered the same, to wit:

That the House of Assembly acceded to the amendments proposed by this Council to the bill "for printing and emitting £15,000 in bills of credit of this State, to be let out on loan, &c.," and requests this Council to nominate three persons, in addition to those already named in the bill, to be signers of the said bills of credit.

Acceded to, and Mr. Sykes, Mr. Wiltbank, and Mr. Jones are appointed as signers.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them of the above appointments.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair

A bill "for ascertaining the salaries and allowances to the officers and persons herein mentioned employed in the Government of this State, and for the providing funds for the payment thereof."

Which, by order, was read the first time.

On motion,

Ordered, That a certificate of the appointment of the Delegates to the Congress, as chosen yesterday in the General Assembly, expressing the powers they are to be invested with, be drawn up and sent to the House of Assembly for their concurrence; which being done at the table and transcribed, is as follows, to wit:

IN COUNCIL, November 8th, 1776.

WHEREAS George Read, John Dickinson, and John Evans, Esquires, have been chosen, by joint ballot of the two Houses of Assembly, to represent the Delaware State in Continental Congress,

Resolved, That they, or any one or more of them, are hereby fully authorized and empowered for and in behalf of this State to concert, agree to, and execute any measure which they, or he, together with a majority of the Continental Congress shall judge necessary for the defense, security, interest and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Ordered, That Mr. Vandyke wait on the House of Assembly and deliver the same for their concurrence; who, having returned, reported that he had delivered the same according to order.

Adjourned till to-morrow, 10 o'clock.

SATURDAY, November 9th, 1776.

Council met. Present all the members.

The committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers of the several Counties in this State, and to settle and adjust the pay and accounts of the officers appointed in the battalion ordered to be raised by the late Convention in September last in this State; likewise the accounts of the signers of the last emission of paper currency, and of those persons who attended the press, &c., brought in their report,

Which, by order, was read and ordered to lie on the table for consideration.

The Council being informed that the commissioners appointed to repair to the camps were ready to proceed as soon as the General Assembly should direct.

Ordered, That Mr. Dingee wait on the House of Assembly with a verbal message containing the following *quæres*, to wit:

As the commissioners appointed to go to the camps should be furnished with some of the printed resolutions of Congress relating to the reënlistment of the army, and the blank commissions transmitted by the President of Congress:

Quære. If the House of Assembly are not in possession of both?

Quære. If the commissioners ought not to have a sum of money voted to them for the expenses of their journey?

Quære. If any one person is appointed by the House of Assembly to collect all the blankets, linens and woolen cloth, recommended by the Council of Safety, whose proceedings are before the House of Assembly, and to carry the same forward to the camps and there distribute to such as may want at first cost?

The Council would have taken up this last business, but understood some directions had been given to individuals, and therefore avoided doing anything in it that might interfere with what the House of Assembly had done; and for this further reason, that a grant of money for the carrying it into execution would be necessary.

Mr. Dingee, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and proposed sundry amendments to the report of the committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers, &c., to wit:

As to Col. Collins, nothing allowed for the transportation, &c., of money.

As to Capt. Porter, forty shillings added, which was omitted by mistake of committee.

As to John Clowes, 40s. added.

And the same being taken into consideration,

Ordered, That Mr. Bassett wait on the House of Assembly with the following verbal message, to wit:

The Council having considered the amendments proposed by the House of Assembly to the report of the Committee for Public Accounts, to wit:

The taking off £6 : 4 : 0 from the allowance made to Colonel Thos. Collins, for expenses attending the delivery of part of the bills of credit, lately signed by him; the addition of 40s. to the allowance made to Capt. Alex. Porter, and the addition of the like sum to Mr. John Clowes, for their attending the printing of the same bills of credit; as to the two last amendments the Council accede thereto.

As to the first, they apprehend the committee have misstated the service for which that allowance was made. The Council are informed that the greater part of the charge arises from the carraise of the bills from the press to the house of the signer, where

it might be expected they ought to have been delivered by the attendants of the press, who undoubtedly should have been allowed therefor. The remaining part of the charge to Dover, it is urged, was for that part of the moneys belonging to the office in Sussex. For these reasons the Council are of the opinion such a charge is just, and submit it to the reconsideration of the House.

The Council propose an alteration in the sum allowed for commissions on the £500, in the first part of the report, to Brigadier McKinly, this sum being paid under an order drawn by him, as Chairman of the Council of Safety of New Castle County, on Col. Collins in favor of Lieutenant Kamford, Col. Collins being allowed commissions thereon, £7 : 10, the sum to be deducted.

Mr. Bassett reported that he waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions following, to wit:

"On motion, by order,

"The report of the committee appointed to devise the best "method of supplying the inhabitants of this State with salt, was "read the second time, and, being debated and amended, was "agreed to, as follows, to wit:

"That they are of opinion the most certain and expeditious "method of procuring a speedy supply of salt would be to au- "thorize and empower some careful and prudent persons at the "Town of New Castle to purchase one or more cargo or cargoes "of salt from on board vessels bound to Philadelphia, or after "their arrival there, at the lowest prices for which the same can "be procured, and to distribute, to the quantities they shall buy, "from time to time, equally between the several Counties of this "State, and cause the proportion for each County to be delivered "to some member of the Council of Safety in such County, who, "with the advice and assistance of the other members of the said "Council, residing in said Counties respectively, shall cause the "same to be delivered out to the inhabitants thereof in proportion "to their several wants.

"That 4,000 bushels of salt are now wanted to supply the immediate necessities of the people, and that the commissioners appointed to buy it ought to be supplied with £2,500 for that purpose, and that it should be retailed out to the inhabitants at so small an advance as would be only sufficient to reimburse the State.

"*Resolved*, That Messrs. Zachariah V. Lenvington and Joseph Tatlow, of the Town of New Castle, be and they are hereby appointed commissioners to carry the foregoing resolutions into execution; and that they be authorized to borrow, from any person or persons who will lend the same on the credit of this State, any sum or sums of money, not exceeding £2,500, to be repaid, with interest at six per cent., in three months.

"*Resolved*, That certificates, signed by the said commissioners, expressing therein the sums borrowed, to be upon the above terms and for the above purposes, shall be sufficient vouchers to entitle the lenders to the repayment thereof by this State.

"*Resolved*, That the said commissioners render an account of their proceedings in the premises to the General Assembly of this State at the next session."

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolution following, to wit:

"*Resolved*, That the balance of public money remaining in the hands of Thos. Collins, Esq., Military Treasurer for the County of Kent, be paid into the hands of the Speaker of this House, whose receipt shall be a sufficient discharge to the said Military Treasurer for the same; and that the Speaker be accountable for the disposal thereof."

For the consideration and concurrence of the Council.

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of Council expressing

the appointment and powers of the Delegates to Congress, with the concurrence of the House of Assembly thereto, and delivered to the Chair the following verbal message, to wit:

"That the Speaker of the Assembly has delivered several of "the printed resolutions of Congress relating to the reënlistment "of the army, and forty blank commissions, received from the "President of the Congress, together with eight copies of the "Articles of War, to Col. Samuel West, one of the commission- "ers appointed to repair to the army.

"This House will do their part in satisfying the commissioners "for their expenses to be incurred in the service of the State.

"The Assembly have taken measures for securing the blank- "ets, linen and woolen cloth, purchased in consequence of the "directions of the Council of Safety, and hope the same may be "sent to the camps some time next week; to pay for which they "have passed the resolution sent to the Council for their concur- "rence."

Ordered, That Mr. Bassett wait on the House of Assembly with the concurrence of Council to their resolution respecting the most certain and expeditious method of procuring a speedy supply of salt; and also their resolution respecting the payment of the balance of the public money in the hands of Col. Collins to the Speaker of the House of Assembly.

Mr. Bassett returned and reported that he had waited on the House of Assembly according to the order aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered a verbal message that the House of Assembly had postponed the consideration of that part of the report made by the Committee of Accounts as objected to by the Council in their message till the next sitting of the General Assembly.

To which the Council agreed.

Ordered, That a member of Council wait on the House of Assembly and inform them that the Council concurred in the other parts of the report.

A verbel message being sent to the House of Assembly desiring their sentiments as to the settling and defraying the expenses of the present session, and how the same shall be done;

In answer to which, it is proposed that the whole expenses should be severally ascertained and defrayed by orders, to be drawn by the Speakers of both Houses, on the several Trustees of the Loan Office in this State.

And the Council concurred.

The Council took into consideration the expenses of their session, and thereupon

Resolved, That there be paid to the members of Council:

For New Castle County, for personal expenses by them incurred, to wit: 3 members, 13 days, . . .	£21 14 10
To the members of Kent County, for same, ...	25 15 11
To the members of Sussex County, for same, . . .	27 14 10
To Slator Clay, Clerk to Council, for 12 days' attendance, @ 7s. 6, ...	4 10 0
To Robert Booth, Doorkeeper, for 12 days' attendance, @ 5s., ...	3 0 0
	£82 15 7

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence; which was done accordingly.

Orders, drawn and signed by the Speaker of Assembly, for the amount of the said expenses were delivered to the Chair.

A notice, in writing, subscribed by the Speaker of the Assembly, that that House had adjourned to Monday, the sixth day of January next, to meet at the State House, in the Town of New Castle, was delivered to the Chair.

Then the Council adjourned to the 6th day of January next.

MINUTES OF COUNCIL.

JANUARY, 1777.

MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,

MONDAY, January 6th, 1777.

Agreeable to adjournment, the Speaker and a number of the members met, but these not being sufficient to enter upon business, the Council adjourned from day to day until Friday following.

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FRIDAY, January 10, 1777.

Council met. Present—All the members except Messrs. Bassett, Collins, and Dingee.

The two first being officers in the Militia of this State, marched to reinforce General Washington in New Jersey, their absence is excused.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions following, to wit :

"On motion,

"*Ordered*, That Messrs. Cook, Robinson and Horsey be a "committee to settle and adjust the accounts of the officers and

"privates of the Second Delaware Battalion, raised for the Fly-
"ing Camp, previous to their being passed by the Commissary
"of Musters.

"*Ordered*, That the same be transcribed, and that Mr. Ridgely
"wait on the Council therewith and propose to them the appoint-
"ment of a committee of their House, to join with the committee
"aforesaid, in the business referred to them."

And the same being read, ordered to lie on the table for consideration.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions of the 11th, 27th, 30th and 31st of December last, which were read.

On motion,

Ordered, That the same be referred to a committee of three.

Whereupon Messrs. Vandyke, Cantwell and Sykes were appointed a committee for that purpose.

The report of the commissioners appointed to repair to the camps and inquire into the condition of the Battalions under Cols. Haslet and Patterson, and commission a sufficient number of officers for the battalion to be raised in this State to serve during the war, with sundry papers as vouchers of their proceedings, being presented to the Chair, by order, was read and laid on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, January 11th, 1777.

Council met.

A member from the House of Assembly delivered at the Chair a written paper, subscribed with the name of Jacob Bennett, purporting an account of his being taken by a British ship of war to the southward of Cape Henlopen, and that while a prisoner five persons, supposed to be inhabitants of this State, came in a boat, with some live stock, on board said ship, one of which persons passed there by the name of Daniel Dingee; and the House being informed that John Trip and Levi Potter were prisoners at the same time on board the said ship;

Ordered, That the Speaker issue notices, by way of summons, to Jacob Bennett and John Trip and to Levi Potter to attend here on Monday next, at 11 o'clock, A. M., to give evidence of their knowledge of the persons aforesaid and their conduct on board the said ship.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, prayed further time to report thereon, and granted.

Mr. Polk desired leave of absence for a few days to visit his brother, dangerously ill. Granted.

Adjourned to Monday next.

MONDAY, January 13th, 1777.

Council met, but there not being a quorum to proceed on business, adjourned till to-morrow.

TUESDAY, January 14th, 1777.

Council met.

The Speaker reported from the chair that he had issued notices requiring the attendance of Jacob Bennett, John Trip and Levi Potter, agreeable to the order of Saturday.

It appearing to the House that Jacob Bennett and John Trip were sick, their non-attendance is excused till their recovery.

Mr. Dingee, a member of this House, not having attended during the sitting thereof, and a sufficient reason not being assigned for his absence,

Ordered, That the Speaker write to Mr. Dingee requiring his attendance in this House forthwith, and that a messenger be sent with such letter.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, brought in their report, which, by order, was read and referred till to-morrow.

Adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 15th, 1777.

Council met, and resumed the consideration of the report of yesterday referred to this day, which was agreed to, as follows:

Your committee, to whom the Honorable Mr. Hancock's letter and resolutions of Congress of the 11th, 27th, 30th and 31st of December last was referred, do report, that they have taken the

same into consideration and are of the opinion that the resolution of the 11th of December aforesaid, recommending the appointment of a day of solemn fasting and humiliation, is highly proper to be complied with, and propose Thursday, the 27th of February next, as a proper day, and that a proclamation issue for that purpose, in the following form, to wit:

A PROCLAMATION.

WHEREAS the just war into which the United States of America have been forced by Great Britain is likely to be still continued by the same violence and injustice which have hitherto animated the enemies of American freedom; and whereas it becomes all publick bodies, as well as private persons, to reverence the Providence of God, and look up to Him as the Supreme Disposer of all events and the Arbiter of the fate of Nations;

Therefore the General Assembly of the Delaware State do appoint Thursday, the 27th of February next, to be observed by all ranks of people within the same as a day of solemn fasting and humiliation, to implore of Almighty God the forgiveness of the many sins prevailing among us, and to beg the countenance, protection and assistance of His Providence in the prosecution of this just and necessary war, and a happy and speedy conclusion of the same.

And it is recommended to Christians of all denominations within this State to assemble for publick worship and to abstain from servile labor and recreation on said day.

Signed by order of the General Assembly.

Given at New Castle, ——— of January, 1777.

Your committee are also of opinion that the resolution of Congress of the 27th of December, recommending the march of the new levies of this State for the Continental army, by companies or parts of companies, be also complied with; and that it be recommended to the commanding officer of the Delaware Battalion to issue orders to the respective captains thereof to march their companies to Philadelphia, to receive further orders from the commanding officer there, and, if not yet complete, to cause so many as may be already enlisted immediately to repair there, under a proper officer or officers, provided the number shall

amount to thirty-five, leaving one or more officers to recruit, i order to fill up the companies; and that a sum of money be pr vided for the subsistence of the companies so marching till the arrive at Philadelphia, which, your committee think, will rende the appointment of a commissary, to proceed there for the pur pose of procuring provisions, unnecessary.

Your committee are further of opinion that the resolution o Congress of the 30th of December, prohibiting the exportation of bacon, salted beef and pork, soap, tallow, and candles, be also complied with and strictly observed by the inhabitants of this State, and that the said resolution be published within the State for their information.

Your committee do likewise recommend that the resolution of Congress of the 31st of December, by which the restrictions heretofore imposed upon the exportation of staves, or other lumber, except to Great Britain, Ireland and the British Islands, or any place under the dominion of Great Britain, is taken off, be also published within this State.

Ordered, That the foregoing resolutions of Council be transcribed and sent to the House of Assembly for their consideration and concurrence, and that Mr. Vandyke deliver the same, together with the President's letter and resolutions of Congress aforesaid.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Vandyke reported that he had waited on the House of Assembly and delivered the resolutions of this day, with the President's letter, according to order.

Mr. Dingee appeared in the House and assigned the indisposition of his wife as an excuse for his non-attendance hitherto, which was admitted.

Mr. Dingee being informed of the contents of the written paper, subscribed by Jacob Bennett and delivered to this House on Saturday last, wherein mention is made of five persons, supposed to be inhabitants of this State, going on board a British ship of war with live stock, one of which persons passed there by his name, requested that the said Jacob Bennett, and all other persons who had any knowledge of that transaction, might be summoned before this House, to give evidence thereof, at some future day, and that in the meantime his attendance in Council be dispensed with, as he did not choose to continue his seat here while under such a suspicion.

Resolved, That Mr. Dingee's attendance in Council be dispensed with till further order.

Ordered, That the Speaker issue other summonses, directed to Jacob Bennett, John Trip and Levi Potter, and summonses for Griffith Minshall, Jun., John Marshall and Joseph Poole, requiring their attendance on this House on Friday next, at 11 o'clock, to give evidence of their knowledge of the charge against Mr. Dingee, at which time he is ordered to attend.

The House taking into consideration the condition of the Militia of this State, and it appearing that there had been for some considerable time past almost a total neglect of the attendance of associators on muster and review days, and a general omission to levy the penalties and taxes imposed by the articles and rules made for the better governing of the Militia by the late House of Assembly, and that the said articles and rules required some attention and amendments for their more effectual execution, therefore,

On motion,

Ordered, That a committee of four be appointed to bring in a bill for the more effectual establishing a Militia in this State. The members chosen are: Mr. Vandyke, Mr. Sykes, Mr. Cantwell and Mr. Wiltbank.

The House resuming the resolution of the House of Assembly for the appointment of a committee to settle and adjust the ac-

counts of the officers and privates of the 2d Delaware Battalion, raised for the Flying Camp, previous to their being passed by the Commissary of Musters;

Ordered, That Messrs. Sykes and Vandyke be a committee from this House, to join with the committee named by the House of Assembly in the business aforesaid.

Adjourned till to-morrow morning.

THURSDAY, January 16th, 1777.

Council met.

Mr. Sykes, one of the persons appointed to procure a Great Seal for this State, agreeable to the resolve of this House of the 2d of November, delivered at the table the following report from that committee, to wit:

"The committee appointed to get a skillful engraver to make "the Great Seal of this State, which was agreed upon by both "Houses, now report that they could procure no person capable "of executing the work to undertake it at this time, being en- "gaged in other very important business for the safety of their "country. That upon consulting an ingenious gentleman in the "art of heraldry, they are humbly of opinion that the Great Seal "agreed upon would be more suitable for a medal than the seal "of a State, and therefore submit the same to the consideration "of both Houses."

The House, taking the same into consideration, are satisfied with the reasons assigned for not carrying the resolutions aforesaid into execution, and resolved that the said committee be discharged.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House for concurrence of Council, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, January 13th.

"On motion,

"*Resolved*, That the former vote respecting a Great Seal be rescinded.

"On motion,

"*Ordered*, That Messrs. Cook, Robinson and McKean be a "committee to confer with a committee of Council on the subject "matter of a device for and making of a Great Seal for this State, "and also to fix upon a seal which shall be held and deemed to "be the Great Seal *pro tempore* until the Great Seal to be agreed "upon by both Houses be made."

Which, being taken into consideration, was concurred in.

Resolved therefore, That the resolution of the 2d of November last respecting a Great Seal be rescinded.

Ordered, That Messrs. Cantwell and Wiltbank be a committee from this House to confer with the committee of Assembly on the subject matter of forming a Great Seal and fixing a seal *pro tempore*.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the concurrence and appointment aforesaid.

Who, being returned, reported that he had delivered the same according to order.

The report of the proceedings of the commissioners appointed to repair to the army to nominate officers for the battalion to be raised as the quota of this State to serve during the war, being resumed,

Ordered, That the same be referred to a committee of three to report thereon. The members chosen: Mr. Cantwell, Mr. Sykes, and Mr. Vandyke.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, January 17th, 1777.

Council met.

The witnesses ordered to be summoned respecting the charge against Mr. Dingee, a member of this House, his being on board a British ship of war on or about the 30th of December last, all attending except Levi Potter, who was out of the State and not summoned,

Ordered, That notice be given to the Honorable the Speaker of the House of Assembly, and such of the members thereof as are in town, that the examination of the witnesses is to be had forthwith, that they may be present if they think fit.

The Speaker of the Assembly, with a number of the members of that House, attending, were admitted accordingly. Mr. Dingee also attending by order.

The Council proceeded to the qualifying and examining Jacob Bennett, John Trip, Griffith Minshall, Jun., John Marshall, and Joseph Poole, severally and apart, respecting their knowledge of Mr. Dingee's being one of the five persons who had come on board the Pearl, ship of war, belonging to his Britannic Majesty, while they were prisoners there, all of whom having deposed that Mr. Dingee was not one of the persons aforesaid, nor had been on board the said ship of war during the time they were prisoners, to their knowledge or belief,

Thereupon the Council are unanimously of opinion that the suspicion of Mr. Dingee's being one of the persons who had come on board the British ship of war aforesaid during the time the witnesses aforesaid were prisoners is groundless.

Ordered, That Mr. Dingee take his seat as a member of this House.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of a device for and

making a Great Seal for this State, and also to fix upon a seal to be used instead thereof *pro tempore*, brought in their report,

Which was read and referred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., January 18th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair divers resolutions of that House for concurrence, as follows, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., January 17th, 1777.

"*Resolved, N. C. D.*, That Mr. McKean be a committee to "employ skillful workmen to make a silver seal of the diameter "of three inches and of a circular form, and that there be en- "graven thereon a Sheaf of Wheat and an ear of Indian Corn, "and an Ox, in full stature, in a shield with a river dividing the "wheat sheaf and ear of Indian corn from the Ox, which is to be "cut in the nether part of the shield below the river; that the "supporters be an American Soldier, under arms, on the right, "and an Husbandman, with a Hoe in his hand, on the left, and "that a Ship be the crest; and that there shall be an inscription "round the same, near the edge or extremity thereof, in the "words following, in capital letters: "THE GREAT SEAL "OF THE DELAWARE STATE," *with the figures 1777;* "which shall, from and after the delivery thereof to the President "and Commander-in-Chief, be the Great Seal and deemed the "Arms of this State.

"*Resolved*, That the Seal of the County of New Castle shall "be deemed and held to be the Great Seal of this State *pro tem-*

"*pore* until the above described Great Seal is made and delivered "to the President and Commander-in-Chief, and no longer."

Which, being read, were concurred in.

Resolved, That Mr. Sykes be appointed, together with Mr. McKean, for procuring a new Great Seal as aforesaid.

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, January 16th, 1777.

"*Ordered*, That Mr. Ridgely and Mr. Horsey be of the Com- "mittee for Publick Accounts, appointed at the last sitting of this "House, in the room of Messrs. Lockwood and Bradley, who "are absent; and that the accounts of the Independent Company "and the Militia of this State be referred to the said committee."

Which, being read, was concurred in.

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., January 17th, 1777.

"On the report of the committee to whom ten several letters "from the Council of Safety, the President of the Congress, &c., "&c., were referred,

"*Resolved*, 1, That two chains of fire-rafts be built as soon as "possible and laid up in Christiana, or some other convenient "harbor, from whence they may be brought to act against the "ships of the enemy in case they should attempt to come up the "Delaware.

"2. That two hundred barrels of bread, one hundred and "forty barrels of beef, and sixty barrels of pork, be ordered to "be purchased and deposited at Dover and Wilmington, or in "such proper places as the President and Commander-in-Chief "of this State shall direct, for the use of the Militia and Conti- "nental troops that may be called into action within the same, "or that may have occasion therefor on their march elsewhere; "and that one ton of powder, two tons of lead, and five hundred "stand of arms, be procured as soon as practicable, and secured "in the safest and most convenient places, by the President, for "the use of this State.

"3. That a committee be appointed to join a committee of "the Council, to state an account of expenditures by this State "for and in behalf of the Continent, and lay the same before the "respective Houses.

"4. That Mr. Speaker be directed to write a circular letter "to each captain in the Delaware Battalion, to transmit forthwith "to the General Assembly an account of the number of levies "recruited by them on the new establishment.

"5. That Mr. Speaker be directed to write a letter to the "President of the Congress, informing him that the persons "employed in Pennsylvania under the Congress to buy clothing "for the army have purchased up almost all the articles of that "kind which were to be had in this State, and therefore it is "hoped that they will be pleased to give some direction for the "speedy clothing of the Delaware Battalion, as a single company "of them will not be able to march without new clothes."

Which, being also read, were concurred in.

Ordered, That Mr. Vandyke wait on the House of Assembly with their several resolutions aforesaid agreed to by this House.

Resolved, That Messrs. Sykes and Vandyke be a committee from this House to join a committee of the House of Assembly to state an account of expenditures by this State for and in behalf of the Continent.

Ordered, That Mr. Vandyke deliver a copy of this resolution to the House of Assembly.

Adjourned to Friday, the 24th instant.

MONDAY, January 27th, 1777.

Council met. Present the Speaker, Messrs. Vandyke, Cantwell, Sykes, Wiltbank and Polk.

From the inclemency of the weather on Friday last, a quorum of members not attending, all business was postponed to this day.

The Council being informed that Slator Clay, Clerk of this House, is sick, his non-attendance is excused.

Mr. Vandyke reported that he had waited on the House of Assembly with the sundry resolutions of that House, and agreed to by the Council on the 18th instant, and delivered the same according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order, to wit:

"IN THE HOUSE OF ASSEMBLY,
"January 27th, 1777.

"The House resumed the consideration of the amendments proposed by the Council to the amendments made by this House in the report of the Committee for Publick Accounts, and,

"On motion,

"*Resolved*, That the same be recommitted to the said committee, and that the Council be requested to concur therein.

"*Ordered*, That the orders of this House for arresting Boas Manlove and Thomas Robinson, Esquires, of the County of Sussex, together with the return of the Sergeant-at-Arms thereon, and the letter from the said Thomas Robinson to James Garriger, Esq., be laid before the Council."

And the member aforesaid delivered, at the same time, the said orders of arrest, with their returns, together with Thomas Robinson's letter, which were read and laid on the table.

Resolved, That the Council concur in the recommitment of the report on Publick Accounts, proposed by the House of Assembly as aforesaid.

Adjourned till to-morrow, 10 o'clock, A. M.

TUESDAY, January 28th, 1777.

Council met.

Ordered, That Mr. Speaker write to Messrs. Collins and Bassett, at the camp in New Jersey, desiring their attendance in Council, if the service they are in will admit.

Several members appointed on committees desiring leave of absence on that account,

Council adjourned till to-morrow morning, 10 o'clock, A. M.

WEDNESDAY, January 29th, 1777.

Council met.

On motion,

Ordered, That a messenger be dispatched with the letters wrote by the Speaker to Col. Collins and Capt. Bassett, members of this House, requiring their attendance if they may consistent with the service they are now in in the army under General Washington.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a letter from the President of Congress, inclosing certain resolutions of Congress, and the following resolution formed thereon, to wit :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., January 28th, 1777.

"WHEREAS the General Assembly of this State have passed, "at their first meeting this session, a bill entitled 'An act to "render certain bills of credit a legal tender within this State, "and to prevent the counterfeiting the same and other bills of "credit;' And whereas Mr. Speaker yesterday laid a letter "from the President of the Honorable the Congress before the "House, together with certain resolutions of Congress respecting "the bills of credit heretofore emitted by that honorable body, "which are recommended to the several Legislatures of the "Thirteen United States of America to be enforced by laws;

"*Resolved*, That Mr. McKean, Mr. Stout, and Mr. Lea be a "committee to confer with a committee of Council respecting "the contents of the aforesaid resolutions of Congress, and to "report certain additional clauses to the above mentioned bill, "for the more effectual supporting the credit of the Continental "currency, and also for the preventing and punishing the coun- "terfeiting tickets in the Publick Lottery set on foot by Con- "gress; and that the Council be desired to appoint a committee "to join herein, and to make report as soon as possible."

Which, being read, were referred for consideration.

The committee to whom the report of the proceedings of the commissioners ordered to repair to camp was referred, now brought in their report thereon, which was read,

And thereupon

Resolved, That a Lieutenant Colonel and a Major be appointed to the Battalion now raising in this State to serve during the war, as the same was not done by the commissioners aforesaid; and that it be recommended to the House of Assembly to join with the Council in such appointment, and that the same be done by a joint ballot of both Houses.

Resolved, That a representation be made to General Washing-

ton of the mistake committed with respect to the commission granted to Peter Jaquet, as oldest 2d Lieutenant in the battalion aforesaid, who ought to have had a commission and rank in the said battalion as Fifth 1st Lieutenant.

Resolved, That Mr. James Tilton's commission as Surgeon to the said battalion, with his letter of resignation, be transmitted to General Washington, that he may appoint another in his stead.

Ordered, That the foregoing resolutions, with the report of the commissioners aforesaid and the several papers delivered by them to this House, be sent to the House of Assembly for their consideration and concurrence.

Resolved, That the allowance to be made to the commissioners who repaired to camp, by order of the General Assembly, be referred to the Committee for Publick Accounts, to wit: Messrs. Sykes, Dingee, Thompson, Ridgely and Horsey.

Ordered, That Mr. Polk wait on the House of Assembly with this and the foregoing resolutions for concurrence.

EODEM DIE, P. M.

Council met.

Mr. Polk reported that he had delivered the resolutions and papers given him in charge this day to the House of Assembly according to order.

The House resumed the consideration of the resolution of the House of Assembly respecting the appointment of a committee of both Houses to report additional clauses to the bill entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," passed at their first meeting this session agreeable to certain resolutions of Congress of the 14th instant,

And thereupon

Resolved, That the mode pointed out by the House of Assembly for carrying the resolutions of Congress into execution would, in the opinion of this House, be irregular and productive of confusion. That this business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, referred to the other House for consideration and concurrence.

Ordered, That the following message, drawn up at the table, be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say :

Gentlemen :

The Council have taken into consideration the resolution of your House of yesterday proposing the appointment of a committee of their body, to join a committee named by you, for the framing additional clauses to a bill, passed at our first meeting in this session, entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," in consequence of certain resolutions of Congress of the 14th instant, and though we wish to do everything on our part to render those resolutions more effectual within this State, we apprehend the mode pointed out by you for doing so by a joint committee would be irregular and productive of confusion. This business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, be referred to the other for consideration. We therefore hope you will reconsider your resolution so far as the same relates to the request that the Council should appoint a committee to join the committee of your House in the first stage of this business.

Ordered, That Mr. Wiltbank wait on the House of Assembly with this message, and return the resolution of that House, with the President of Congress's letter and the resolutions of Congress referred to in the message, and also the concurrence of this House to the recommitment of the amendments proposed to the report of the Committee for Publick Accounts.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., January 30th, 1777.

Council met.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of this House of the 15th instant, with the concurrence of the House of Assembly to all of them except the resolve founded on the resolution of Congress of the 27th of December, recommending the marching of the new levies of this State by companies, and parts of companies, which is suspended until an answer is received from Congress to a letter wrote to them respecting the clothing of the battalion of this State.

On motion, by order,

The bill for ascertaining the salaries and allowances to the officers and persons therein mentioned employed in the Government of this State, and for the providing funds for payment thereof, was read a second time for consideration and debate, and, after some time spent therein, was referred till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Wiltbank, being indisposed, has leave of absence till to-morrow.

The House resumed the consideration of the bill for ascertaining the salaries, &c., to officers, &c., and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Sykes wait on the House of Assembly with the said bill and the amendments thereto proposed by the Council for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, January 31st, 1777.

Council met.

Mr. Sykes reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill "to punish "treasons and disaffected persons, and for the security of the "Government."

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, February 1st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill for ascertaining the salaries to officers, &c., with the amendments proposed by this Council, to all of which the House of Assembly agreed except the 3d and 4th; and delivered a bill "of free and general pardon, indemnity and "oblivion."

Which, by order, was read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill "for supporting "and establishing the bills of credit issued by Congress, &c."

By order read the first time.

Adjourned till Monday morning, 10 o'clock.

MONDAY, February 3d, 1777.

Council met.

Several of the members attending on committees, adjourned till to-morrow morning.

TUESDAY, February 4th, 1777.

Council met, and, on motion,

Ordered, That Mr. Polk be of the Committee for Publick Accounts, appointed at the late sitting of this House, in the room of Mr. Dingee, who is absent.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 5th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of this Council of the 29th ultimo for the referring of the allowance to be made to the commissioners who repaired to camp to the Committee for Publick Accounts with the concurrence of the House of Assembly thereto; and also returned the three resolutions of this Council of the said day, founded on the report of the committee to whom the proceedings of the said commissioners were referred, to all of which the House of Assembly dissented, and instead thereof propose the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., February 1st, 1777.

"The House resumed the consideration of the resolutions of "Council on the report of their committee to whom the report "of the commissioners ordered to repair to the camp was re- "ferred, and thereupon

"*Resolved*, That the two Houses appoint, by joint ballot, all "officers necessary to supply the vacancies in the battalion now "raising in this State to serve during the war, and that the Coun- "cil be requested to concur herein."

Which, being read, was ordered to lie for consideration.

Adjourned till to-morrow morning.

THURSDAY, February 6th, 1777.

Council met.

Mr. Bassett, having returned from the camp in New Jersey, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair sundry resolutions of that House, founded on a petition from Col. John Jones, of Sussex County: 1st, for the loan of one thousand pounds for five years, without interest, to enable him to erect works for manufacturing salt in this State; 2d, to take of him ten thousand bushels annually for five years, at the rate of five shillings per bushel; 3d, to bind Col. Jones to the delivery of three thousand bushels at the least, and not more than the said ten thousand bushels annually, at the rate aforesaid, for the use of the State; 4th, giving the said Col. Jones the exclusive right of making salt for sale in this State for the term aforesaid on complying with the above conditions; 5th, empowering the President of the State to draw for the sum to be lent and to take security for the performance of the said conditions, and for the repayment of the money lent at the end of any one year wherein Col. Jones may fail to supply the quantity of three thousand bushels, as aforesaid; 6th, limiting the time of applying for the draught and giving the security; to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, February 5th, 1777.

"The report of the committee appointed to confer with Col. "John Jones, of Sussex County, on the subject matter of his "petition, praying the loan of a sum of money to enable him to "carry into execution his intention of erecting salt works in this "State, &c., was, by order, read the second time, and, being "amended, was agreed to, as follows, to wit:

"*Resolved*, 1. That the sum of one thousand pounds be let "by this State upon loan to the said Col. John Jones (the better "to enable him to carry into execution his intention of erecting "salt works in this State, at or near Indian River, in Sussex

"County,), he, the said John Jones, giving bond, with sufficient "sureties, for the payment of that sum at the expiration of five "years from the date of said bond.

"2. That for the further encouraging the said Col. Jones in "prosecuting his intentions and erecting said works for manu- "facturing the useful article of salt, this State should engage to "purchase or take of him the quantity of ten thousand bushels "of salt, at the rate of five shillings per bushel, annually for the "space or term of five years, in consideration of which,

"*Resolved*, 3. That the said Col. John Jones ought to engage "and bind himself, his executors and administrators, to deliver, "for the use of this State, to such person or persons as the "President shall appoint, all the salt that by him shall be manu- "factured or made therein (at the place where the salt works "shall be erected), for the space or term of five years aforesaid, "at the rate of five shillings per bushel, so that the quantity in "any one year during that term does not exceed ten thousand "bushels; and that he should be bound and obliged to deliver, "in each and every year during the term aforesaid, at the manu- "factory aforesaid, for the use of this State, the quantity of three "thousand bushels of salt, manufactured therein at the rate afore- "said.

"4. That upon the said Col. John Jones complying with the "conditions herein before expressed to be by him entered into "and performed, that he, the said Col. John Jones, his executors, "administrators and assigns, ought to have the exclusive right of "making salt in this State for sale for and during the last four "years of the term aforesaid; and that he may dispose of and sell "to such person or persons as he pleases, and at such prices as "he can get, all the overplus salt he shall make after furnishing "the State with the aforesaid quantity of ten thousand bushels "annually for the term of five years aforesaid.

"5. That the said sum of one thousand pounds be drawn for "by the President out of the ten thousand pounds granted by "the present General Assembly for the use of the State, under "whose direction the bond aforesaid from the said John Jones "and his sureties shall be taken, with the further condition that "the same shall be payable at the end of any one year during "which the said John Jones shall fail to supply the aforesaid "quantity of three thousand bushels of salt.

"6. That if the said John Jones shall neglect to make appli-"cation for the said draught, or to execute his bond on or before "the 20th day of April next, that the encouragement proposed "to be given to him shall cease."

Which, being read, were ordered to lie on the table for consideration.

The committee appointed to prepare and bring in a bill for the more effectual establishing a Militia in this State laid one on the table, which they submitted to the correction of the House.

On motion,

Ordered, That the said bill be read the first time, which was done accordingly.

Adjourned till to-morrow morning.

FRIDAY, February 7th, 1777.

Council met.

The bill for the more effectual establishing a Militia in this State was read the second time, and, being debated paragraph by paragraph, was referred over till to-morrow.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., February 7th, 1777.

"*Resolved*, That it is the opinion of this House that the Gen-"eral Assembly should proceed to the appointment of the Civil "Officers of this State, agreeable to the directions of the Consti-"tution, on Monday morning next, in the State House, by joint "ballot of both Houses.

"*Resolved*, That Messrs. McKean, Ridgely, Cook, White, and "Laws be a committee to confer with a committee of Council for "the purpose of adjusting the mode of appointing the officers "aforesaid, and that the Council be requested to concur in these "resolutions."

Which, being read, were deferred till to-morrow morning.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, February 8th, 1777.

Council met, and resumed the consideration of the bill for the more effectual establishing a Militia in this State, and, after some time spent therein, the same was agreed to.

Ordered, That Mr. Polk wait on the House of Assembly with the said bill for their consideration and concurrence.

Mr. Polk, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

On motion,

The resolutions of the House of Assembly of the 7th of February, referred over till this morning, were again read and then concurred in.

Ordered, That Mr. Sykes, Mr. Bassett, Mr. Cantwell, Mr. Vandyke, and Mr. Wiltbank be a committee to confer with the committee of the House of Assembly for the purpose of adjusting the mode of appointing the Civil Officers of this State.

Ordered, That Mr. Polk wait on the House of Assembly with their resolutions aforesaid agreed to by this House.

Who, being returned, reported that he had delivered the same according to order.

Adjourned to Monday next.

MONDAY, P. M., February 10th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., February 10th, 1777.

"The committee appointed to confer with a committee for the "purpose of adjusting the mode of appointing the Civil Officers "of this State brought in their report, which, by order, was read "the first time.

"On motion, by special order,

"The same was read the second time, and thereupon,

"*Resolved*, That the same report be recommitted to the fol- "lowing committee, to wit: Messrs. Moore, Thompson, Jones, "Lea, and Robinson, who are hereby appointed to confer with a "committee of Council thereon."

"EODEM DIE, P. M.

"*Ordered*, That the proceedings of this forenoon on the re- "port of the committee appointed to confer with a committee of "Council for the purpose of adjusting the mode of appointing "the Civil Officers of this State, be transcribed and sent to the "Council for concurrence, and that Mr. Hill deliver the same."

Which, being read, was concurred in.

Ordered, That Mr. Polk be added to the former committee of Council appointed for this business, and that Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and the concurrence of Council thereto and the appointment of Mr. Polk.

Mr. Wiltbank reported that he had waited on the House of Assembly and delivered the resolution aforesaid according to order.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 11th, 1777.

Council met, and resumed the consideration of the resolution of the House of Assembly of the 5th instant, founded upon a petition of Col. John Jones, of Sussex County, for a loan of a sum of money to enable him to erect salt works in this State, and an exclusive right to make salt for sale on certain conditions for five years, and divers amendments being proposed and agreed to the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the resolutions and amendments for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following report and order thereon, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., February 10th, 1777.

"The Committee of the General Assembly of Delaware, appointed for the purpose of settling and adjusting the accounts "of the Officers and Privates of the Second Delaware Battalion, "raised for the Flying Camp, previous to their being passed by "the Commissary of Musters, do report that they find:

The amount of Colonel Samuel Patterson's account, for pay and subsistence since the time aforesaid, to be . . . . . £	47	12	0
The amount of Lieut. Col. Robert Hodgson's account, for do. same time, to be	38	13	2
The amount of Major Henry Niell's account is .	32	16	0
The amount of the Rev'd Samuel Eakin, Chaplain's account, is	32	16	0
The amount of James Lukes, Adjutant's acc't, is	24	17	3
Carried over, ... £	176	14	5

Brought over, ...	£ 176	14	5
The amount of John Watson, Quartermaster's account, is	16	18	6
The amount of James Tate, Surgeon's account is	31	11	0
The amount of Edward Duff's account, Surgeon's mate, is	16	14	4
The amount of William Millan, Paymaster's account is	24	17	3
The amount of Capt. Thos. Kean's account of pay and subsistence of his company officers and privates for the time aforesaid is	338	18	10
The amount of Capt. James Dunn's account of same is	302	6	5½
The amount of Capt. William Moody's account of same is	339	16	2
The amount of Capt. Manlove's account of same is	395	13	7
The amount of Capt. Jos. Caldwell's account of same is	339	6	11
The amount of Capt. John Woodgate's account of same is	314	0	2.
The amount of Capt. Nathaniel Mitchell's account of same is	179	6	2½
	*£ 2485	6	8

"Your committee do further report that the several accounts "of particulars of the above mentioned separate sums, amount-"ing in the whole to two thousand four hundred and eighty-five "pounds six shillings and eight pence, are herewith returned for "the examination and correction of the General Assembly. The "account of Capt. Thomas Skillington's company has not yet "come before your committee."

"The foregoing report being read the second time and consid-"ered, passed the House.

"*Ordered*, That the same be transcribed and sent to the Coun-"cil for their concurrence, and that Mr. Stout deliver the same, "together with the accounts therein referred to."

Which was read and ordered to lie on the table for consideration.

* So in the manuscript.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the report of the joint committee of both Houses for adjusting the mode of appointing the Civil Officers of this State, and a resolution of the House of Assembly respecting the choice of two Delegates to represent this State in Congress for concurrence of the Council.

Which, by order, were read, and some amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said report and resolution, and the amendments thereto proposed by the Council for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M., February 11th.

Council met, and took into consideration the third and fourth amendments proposed by them to the House of Assembly to the bill "for ascertaining the salaries, &c., to officers, &c.," and do recede from the same, and do agree that the said bill, as it now stands, be enacted into a law.

Ordered, That Mr. Polk wait on the House of Assembly with the bill and resolution aforesaid.

Mr. Polk reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions respecting the loan of one thousand pounds, &c., to Col. John Jones to enable him to erect salt works in this State, with the amendments pro-

posed by this House, to all of which the House of Assembly agreed except the 6th; and also returned the report of the joint committee for adjusting the mode of appointing the Civil Officers of this State, &c., and resolution respecting the choice of two Delegates, with the amendments proposed by this House, to which the House of Assembly also agreed except the 2d.

On motion,

Resolved, That the said second amendment proposed by the Council be receded from.

Which report and resolution, as amended and now agreed to, is as follows, to wit:

"The committee to whom was recommitted the report of a "conference with a committee of the Council for the purpose of "adjusting the mode of appointing the Civil Officers of this State "met the said committee of Council and agreed upon the follow- "ing report, to wit:

"That the members of both Houses should meet this afternoon "in the State House, when each member may propose a person "for President, and, when all are nominated, that their names be "taken down in writing and left on the table for the perusal and "consideration of the members of both Houses. The said com- "mittees further agreed that the election for President should be "held at the same place in the afternoon of the morrow, when "the persons nominated for President shall be balloted for by "writing his or their names on several pieces of paper, and the "person who has the greatest number of voices (provided he has "a majority of the votes of members present) shall be President; "and in case it should happen that no person nominated should "have a majority of votes of the members present, then and in "such case the two highest in vote shall be balloted for again. "But if it should so happen that two or more persons next to "the highest should be equal in vote, then the said two or more "persons shall be voted for again, and the person who has the "greatest number of voices of those last mentioned shall be bal- "loted for as aforesaid together with the person who was highest "in vote upon the first election, and the person who is highest "in vote of those two last mentioned persons shall be President; "but if the votes be equal, in such case the Speaker of the Coun- "cil shall have an additional casting voice.

"The said committee further agreed that the persons suitable "for the Judges of the Supreme Court, Judge of the Admiralty, "the Justices of the Common Pleas, and the Commissioners for "the Continental Loan Office for this State, may be proposed by "any member on the day last aforesaid, who are to be chosen in "manner above directed on some future day, to be agreed upon "by both Houses.

"*Resolved*, That the members of both Houses, when assem- "bled together to-morrow afternoon, shall propose the names of "persons to be chosen as two of the Delegates in Congress, in "the stead of John Dickinson and John Evans, Esquires, in the "method proposed respecting the President; and that such Dele- "gates be elected at such time and place and in the same manner "that the Justices of the Supreme Court are above directed to "be elected."

Ordered, That Mr. Vandyke wait on the House of Assembly with the concurrence of Council to the foregoing report and resolution, and inform that House that the Council will attend in the State House in half an hour to propose a person for President of this State.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the office of President and their names taken down for the consideration of the members of both Houses.

Then the Council adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 12th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act against Desertion and harbouring Deserters, or dealing with them in certain cases," for the consideration and concurrence of the Council.

Which, by order, was read the first time.

On motion, by order,

The "bill to punish treasons and disaffected persons and for "the security of the Government," was read the second time, and, after some time being spent therein, was postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the President of Congress requesting an immediate representative from this State.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and informed the Council that the House of Assembly is now ready to proceed to the election of a President for this State, agreeable to the joint resolution of yesterday, and then he withdrew.

The Council met the House of Assembly in the State House, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: seven of the Council and sixteen of the House of Assembly, then present, having prepared tickets with the name of the President to be appointed and put the same into the ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appearing that nineteen votes, out of the twenty-three put into the said box, were in favor of the Honorable John McKinley, Esquire,

Whereupon the said John McKinley is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

Then divers persons were put in nomination as suitable for the respective offices of Justices of the Supreme Court for the State, Judge of Admiralty, Justices of the Common Pleas and Orphans' Courts for each County, and for Commissioner of the Continental Loan Office for this State, and for Delegates in Congress in the stead of John Dickinson and John Evans, Esquires.

The Council then adjourned till 10 o'clock to-morrow morning.

THURSDAY, A. M., February 13th, 1777.

Council met, and resumed the consideration of the "bill to punish treasons and disaffected persons, &c.," and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed by this House for their consideration and concurrence.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

The House took into consideration the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," which, by order, was read the second time and deferred for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., February 14th, 1777.

Council met, and resumed the consideration of the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," and after some time spent therein the same was deferred till the afternoon.

EODEM DIE, P. M.

Council met.

Mr. Collins, having returned from the camp in New Jersey, appeared, but being indisposed prayed leave of absence. The same was granted.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the Commissary General of Clothing, with the following resolution relative thereto, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., February 7th, 1777.

"On motion,

"*Resolved*, That the Captains Kirkwood and Anderson march "their companies forthwith to the City of Philadelphia, in order "that they may be clothed as speedily as possible."

And returned the bill entitled "An act for the better establishing the Militia," with sundry amendments thereto, proposed for consideration and concurrence of the Council,

Which were read and ordered to lie on the table.

The bill for supporting and establishing the Bills of Credit issued by Congress, under consideration in the forenoon, was resumed, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, February 15th, 1777.

Council met, and took into consideration the resolution of the House of Assembly respecting the march of the Captains Kirkwood and Anderson, which, being read, was concurred in.

Ordered, That Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and letter from the Commissary General relative thereto, with the concurrence of Council, and return to that House the resolutions of Congress of the 14th January, recommending it to the different Legislatures to enact laws preventing the counterfeiting the Continental Bills of Credit, &c.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the orders aforesaid.

On motion, by order,

The bill entitled "An act against Desertion and harbouring Deserters, &c.," was read the second time, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence, who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., February 17th, 1777.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act against Desertion and harbouring Deserters, &c.," with the amendments thereto proposed by this House, to all of which the House of Assembly had agreed. And the bill entitled "An act for supporting and establishing the Bills of Credit issued by Congress, &c.," with the amendments proposed by this House, to which the House of Assembly had also agreed.

And the same member delivered at the Chair a "bill for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas." And a bill intitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution."

Which were laid on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The House resumed the consideration of the bill entitled "An act for the better establishing the Militia," as returned by the House of Assembly with the amendments thereto proposed, and divers amendments being made to the amendments proposed by the House of Assembly, the same were agreed to and ordered to be sent to the House of Assembly for their concurrence.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill and amendments, also a message assigning the reasons for rejecting the first amendment proposed to said bill.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 18th, 1777.

Council met, and took into consideration the 6th amendment proposed by them to the 4th resolution of the House of Assembly respecting the granting to Col. Jno. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, &c., and do adhere to the same.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adher-

ing to the 6th amendment proposed to the resolution aforesaid, and Messrs. Vandyke and Bassett were appointed for that purpose.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed, signed by the Speaker, and is as follows :*

Ordered, That Mr. Bassett wait on the House of Assembly with the said message.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill entitled "An act of free and general pardon, indemnity and oblivion," was read the second time and postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act for the better establishing the Militia," with the concurrence of the House of Assembly to the amendments proposed by the Council to the amendments proposed by the House of Assembly, and the consent of that House to recede from their first amendment proposed to the said bill, and the amendments proposed and concurred in as aforesaid being made in the bill, ordered that the same be engrossed.

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* This message does not appear to have been placed on record.

The bill "for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas," was, by order, read the 1st time.

On motion, by order,

The bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," was also read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., February 18th, 1777.

"On motion,

"*Resolved*, That it is the opinion of this House that the General Assembly should proceed to the choice of the remaining "Civil Officers of this State, who are in nomination, on Thursday "morning next, and that the Council be requested to concur "herein."

Which was read and ordered to lie on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 19th, 1777.

Council met.

On motion and order,

The bill for aiding the discontinuance of the process of the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas, was read a second time and agreed to by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the votes and proceedings of that branch of the Council of Safety for New Castle County since their appointment in November last, together with the following resolution of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., February 18th, 1777.

"The House resumed the consideration of the votes and proceedings of that branch of the Council of Safety residing in "the County of New Castle (since the last sitting of the General "Assembly), and, after some time spent therein, the same were "approved of; and as to that part of the said proceedings which "relates to the application of the Militia who marched from this "State to join the Continental army respecting a bounty therefor,

"*Resolved*, That every non-commissioned officer and private "that marched from this State to join General Washington, and "who remained in service for the space of six weeks from the "time of marching until such person was regularly discharged "by order of the General, shall be allowed a bounty of six dollars."

On motion and order,

The votes and proceedings of that branch of the Council of Safety residing in the County of New Castle, with the resolution of the House of Assembly aforesaid, were severally read, and the

same being taken into consideration, the same votes and proceedings were generally approved of by Council and the said resolution concurred in.

On motion and order,

The Council resumed the consideration of the bill entitled "An act of free and general pardon, indemnity and oblivion," and the same being again read was unanimously rejected.

Mr. Speaker laid on the table a memorial from himself, as one of the Delegates from this State to Congress, representing that such is the state of his private affairs at present that it will be very injurious to him to give his attendance in Congress for some months to come, which may, with just reason, be expected by the General Assembly, therefore he prayed leave to resign his seat in Congress.

Which, by order, was read and postponed for consideration.

It appearing to the Council that Boaz Manlove, late of Sussex County, doth retain in his hands the sum of three hundred and eighty pounds, part of the Sussex County quota of the Bills of Credit ordered to be emitted by an Act of Assembly passed in the year of our Lord one thousand seven hundred and seventy-five, entitled "An act for emitting the sum of Thirty Thousand Pounds in Bills of Credit on loan, and providing a fund for payment of Public Debts," and deposited in his hands as one of the signers of the bills,

On motion, leave is granted to bring in a bill for the recovery of the aforesaid sum of three hundred and eighty pounds, with interest from the first day of April last past, and thereupon Mr. Bassett delivered a bill for the purpose aforesaid at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The resolution of the House of Assembly of yesterday respecting the choice of the remaining civil officers on Thursday morning next was taken into consideration, and, on motion, the following message, drawn up at the table, was transcribed, and, by order, signed by the Speaker, to wit:

"A MESSAGE FROM THE COUNCIL TO THE HOUSE "OF ASSEMBLY.

"*Gentlemen:*

"The Council having taken into consideration the resolution "of the House of Assembly for the choice of the remaining Civil "Officers of this State on Thursday morning next, are of opinion, "upon a review of the other business before them, that the time "of choosing those officers had better be postponed till Friday "morning next, and wish that that time may be approved of by "the House of Assembly."

The bill against Desertion and harbouring of Deserters, &c., and the bill for the supporting and establishing the Bills of Credit issued by Congress, &c., being severally examined and compared with the amendments proposed by the Council, and the same appearing to have been severally made and entered in the said bills, the Council consent that the said bills be enacted into laws.

Ordered, That Mr. Sykes wait on the House of Assembly with the message aforesaid and the two last mentioned bills, together with the bill for aiding the discontinuance of the process of the Supreme Court.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly and delivered the papers given to him in charge according to order.

On motion, by special order,

The bill for the recovery of a sum of money due from Boaz Manlove to this State was read a second time, and, after some amendments made, passed this House, and ordered to be sent to the House of Assembly for their concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a written message from the Assembly, in answer to the message from the Council containing their reasons for adhering to their amendment of the 4th resolution of the House of Assembly for granting to Col. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, and the same being read was laid on the table.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit:

"In the House of Assembly,
"Wednesday, A. M., February 19th, 1777.

"On motion,

"*Resolved*, That Mr. Thompson, Mr. Jones, and Mr. Robin-"son be a committee to join Messrs. Sykes and Vandyke, a "committee of Council, to state an account of expenditures by "this State for and in behalf of the Continent."

Which was read and approved.

The member from the Assembly aforesaid also delivered at the Chair the concurrence of the House of Assembly to the proposal made by the Council in their message of this day for postponing the choice of the remaining civil officers of this State till Friday morning next.

On motion,

Ordered, That Mr. Wiltbank wait on the House of Assembly with the bill entitled "An act of free and general pardon, indemnity and oblivion," and inform that House that the said bill is rejected by the Council.

And with the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, for their perusal and concurrence.

And with the votes and proceedings of the Council of Safety of New Castle County, with the resolutions of the House of Assembly thereon, and for a bounty to be allowed to such of the Militia as marched and served six weeks, &c., with the approbation and concurrence of Council.

And with the orders of the House of Assembly for arresting Boaz Manlove and Thomas Robinson, and the Sergeant-at-Arms' return thereon, and the letter from the said Thomas Robinson to James Garrigen, Esq.

And with the approbation of Council to an appointment of the Committee for Publick Expenditures.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, 20th February.

Council met, and took into consideration the written message from the House of Assembly of yesterday respecting the grant of an exclusive right, on certain conditions, to Col. Jones to make salt in this State for sale for the term of five years, and some time being spent thereon, the following message, being drawn up at the table, was agreed to, and transcribed and ordered to be signed by the Speaker: *

A member from the House of Assembly, attending at the door, was admitted and returned the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, with a

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* The message is not recorded in the minutes.

paper of amendments proposed by the House of Assembly thereto, which, being read and considered, were agreed to, and being made in the bill the same were ordered to be engrossed.

On motion and order,

The bill entitled,

"An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,"

Was read a second time, and several amendments proposed being agreed to, the bill, with the amendments, were ordered to be returned to the House of Assembly for their consideration and concurrence.

Ordered, That Mr. Bassett wait on the House of Assembly with the last bill and its amendments and the foregoing message from the Council.

Mr. Bassett, being returned, reported that he had delivered the same according to order.

The Militia bill being engrossed was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, February 21st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., February 21st, 1777.

"On motion,

"*Resolved*, That the Prothonotary of the Court of Common "Pleas for the County of New Castle do deliver the seal of the "said county, used in his office, unto the Honorable the Speaker "of the Council, the same seal being established as the Great "Seal of this State until a new one is made and delivered to the "President and Commander-in-Chief; and then it is ordered that "the seal aforesaid be redelivered to the Prothonotary."

Read and concurred in.

Ordered, That Mr. Sykes wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly according to order.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box, the Speakers of the two Houses, in presence of the President and the members, examined the ballot-box, and it appearing that there was a majority of votes in favor of Richard M. William, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of Cæsar Rodney, Esquire, as second Justice of the said Court, and a majority of the votes in favor of James Sykes, Esquire, as third Justice of the said Court,

Thereupon the said Richard M. William, Cæsar Rodney, and James Sykes are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Nicholas Vandyke, Esquire,

Thereupon the said Nicholas Vandyke is declared duly elected and appointed Judge of Admiralty.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of New Castle, and it appearing that the votes were unanimously in favor of John Jones, Esquire, as Chief Justice of the said Courts; James Latimer, Esquire, as second Justice; John Thompson, Esquire, as third Justice, and Abraham Robinson, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Jones, James Latimer, John Thompson, and Abraham Robinson are declared duly elected and appointed Justices of the Court of Common Pleas and Orphans' Court for New Castle County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Court for the County of Kent, and it appearing that the votes were unanimously in favor of Thomas Tilton, Esquire, as Chief Justice; John Clark, Esquire, as second Justice; Richard Smith, Esquire, as third Justice, and Thomas White, Esq'r, as fourth Justice of the said Courts,

Thereupon the said Thomas Tilton, John Clark, Richard Smith, and Thomas White are declared duly elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Kent County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of Sussex, and it appearing that twenty votes, of the twenty-one persons voting, were in favor of John Wiltbank, Esquire, as Chief Justice of the said Courts; and the votes were unanimously in favor of William Polk, Esquire, as second Justice, and of John Laws, Esquire, as third Justice, and that there was a majority of the votes in favor of Isaac Smith, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Wiltbank, William Polk, John Laws, and Isaac Smith are duly declared elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Sussex County.

Then the President withdrew, and the members of both Houses proceeded, in like manner, to ballot for a Commissioner of the

Continental Loan Office for this State, and it appearing that the votes were unanimously in favor of Samuel Patterson, Esq'r,

Thereupon the said Samuel Patterson is declared duly elected and appointed Commissioner of the Continental Loan Office for this State.

Then the members of both Houses proceeded, in like manner, to ballot for two Delegates to serve in Congress in the stead of John Dickinson and John Evans, Esquires, and it appearing that there was a majority of votes in favor of Nicholas Vandyke and James Sykes, Esquires,

Thereupon the said Nicholas Vandyke and James Sykes are declared duly chosen and appointed Delegates to represent this State in Congress in the stead of John Dickinson and John Evans.

Then the members of the two Houses proceeded also to the choice of Military Treasurers, and it appearing that the following gentlemen were unanimously elected, to wit: Samuel Patterson, Esq'r, for the County of New Castle; John Banning, Esq'r, for the County of Kent, and John Rodney, Esq'r, for the County of Sussex, thereupon they are declared duly appointed to the said office.

Then the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, being engrossed, was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill, and also the bill for the better establishing a Militia in this State.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., February 22d.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act to punish treasons and disaffected persons, &c.," with the amendments proposed by the Council, to all of which the House of Assembly concurred except the 5th, 7th, 8th, 11th and 13th. As to the 14th they propose two amendments. Also the bill entitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution," with the amendments proposed by this House, to all of which the House of Assembly agreed except the 1st.

On motion,

Ordered, That the following message, drawn up at the table, be transcribed, signed by the Speaker and sent to the House of Assembly, to wit:

Gentlemen:

As you have rejected the first amendment proposed to the bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," without assigning the reasons of your dissent, and the Council still retaining their opinion that the amendment is a

necessary one to make the recital, in which the amendment is proposed, correspond with the enacting clause providing the remedy, either the one or the other requires an amendment; therefore, to save time, as the session is so near a conclusion, the Council do propose to the House of Assembly a conference of two or more members from each House upon the subject matter of this amendment.

Ordered, That Mr. Bassett wait on the House of Assembly with said message.

Who, being returned, reported that he had delivered the message according to order.

The committee appointed to confer with a committee of Assembly on the subject matter of settling and adjusting the accounts of the officers and privates in the 2d Delaware Battalion of the Flying Camp, commanded by Col. Samuel Patterson, from the time of their enlistment to their being passed by the Commissary of Musters, brought in their report with respect to Thomas Skillington's account, unsettled at a former meeting of said committee, which, by order, was read, and follows in these words, to wit:

"The committee of Council appointed to confer with a committee of Assembly on the subject matter of settling and adjusting the accounts of the officers and privates in the 2d Delaware Battalion of the Flying Camp, commanded by Col. Samuel Patterson, from the time of their inlistment to their being passed by the Commissary of Musters, at Philadelphia, do report that they met the committee of Assembly to settle and adjust the account of Captain Thomas Skillington, who commanded a company in said battalion (which, by a former report of said committee is mentioned not to have been laid before them at their first meeting), and they find the amount of the same, for pay, subsistence, inlisting, and other charges, specified in an account of particulars herewith returned, to be £365 : 9 : 11, which your committee submit to the examination and correction of Council. And your committee do further report it as their opinion that a committee of 3 persons be appointed, two by the House of Assembly and one by the Council, in each county, to settle what sum of money is due to each private in the battalion aforesaid, as well for his service

"from the time of passing muster, at Philadelphia, as for his pay "and subsistence from his inlistment to the time of muster afore- "said; and that such settlements ought to be made by the said "committee, respectively, in presence of the captains and pri- "vates, or their representatives, from time to time, upon 8 days' "notice given of the time and place of meeting by advertise- "ment."

The foregoing report being read the 2d time and considered, passed the Council.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

The report of the same committee as to the other accounts of the same battalion, passed by the House of Assembly the 10th instant, was, by order, read a 2d time and concurred in by the Council.

Ordered, That Mr. Wiltbank deliver the said several reports, together with the accounts therein referred to, to the House of Assembly.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of that House respecting Col. Jones's petition for an exclusive right to make salt, &c., with the amendments thereto proposed by the Council, also an amendment proposed by the House of Assembly to their 4th resolution, and delivered the resolutions following, to wit:

"In the House of Assembly,
"Saturday, A. M., February 22d, 1777.

"On motion,

"*Resolved*, That the Speakers of both Houses be requested "to write to General Washington, informing him of the receipt "of his letter of the 31st of January last; that in consequence "thereof the Legislature of this State have passed an 'An act "against desertion and harbouring deserters, or dealing with "them in certain cases,' which they flatter themselves will an- "swer the intended purpose.

"That the General Assembly have been informed that Col. "Bedford and Major McDonough decline going into the service "of the army.

"That the recruiting of the Delaware Battalion goes on very "slowly, occasioned, as is apprehended, by the want of the va- "cancies of officers in the said battalion being filled up, and the "great number of parties from other States now recruiting in "this."

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., February 22d, 1777.

"On motion,

"*Resolved*, That the President be and he is hereby impowered "and directed to issue his proclamation for continuing all offi- "cers, civil and military, in this State, in the full exercise of their "respective offices, according to the present Constitution, until "superceded by new appointments."

Also, the following verbal message, to wit:

"VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

"The House of Assembly have concurred in your proposition "for appointing conferees respecting the 1st amendment proposed "to the bill entitled 'An act to render parts of divers acts of As- "sembly and certain law proceedings more conformable to the "present Constitution,' and have appointed Jacob Moore and "Charles Ridgely, Esquires, for that service."

On motion,

Ordered, That Messrs. Sykes and Bassett be a committee on the part of this House for the purpose aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following orders, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A M., February 22d, 1777.

"The House resumed the consideration of the petition from "Robert Burton, Leatherberry Barker, William Bagwell, and

"William Milby, inhabitants of this State, now prisoners in the "goal of Philadelphia, and thereupon

"*Ordered*, That the same be referred to the President and "Commander-in-Chief, who is requested to write to the Council "of Safety of Pennsylvania to permit the petitioners to be "brought into this State, as well as any other subject of this "State who may be now confined, by their order, for any State "offence, except against the State of Pennsylvania, to be dealt "with according to law."

"In the House of Assembly,
"Friday, P. M., February 21st, 1777.

"The report of the Committee on Publick Accounts was, by "order, read the 2d time and agreed to except the 4th article "thereof, which was recommitted to the same committee."

Adjourned till 3 o'clock, P. M.

Eodem Die, P. M.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the 1st amendment proposed by the Council to the bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," now report that they had met the committee of conferees and agreed on certain amendments necessary to be made in the said bill, and that they had delivered the same bill to the committee, that the amendments agreed to might be made in the House of Assembly, which this House approves.

A member from the House of Assembly, attending at the door was admitted and returned the bill aforesaid with the concurrence of the House to the amendments made and agreed to by the committee of conferees.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the bill entitled "An act for printing and emitting £15,000 in Bills of Credit of this State to be let out on loan, and for striking the further sum of £10,000 in such bills for the use of this State and for providing a fund for sinking the same," with divers amendments thereto proposed, for the consideration and concurrence of Council.

Also, the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 22, 1777.

"*Resolved*, That the President, or Commander-in-Chief, be "impowered to draw on the Trustees of the Loan Office for this "State, or any of them, for such sums as have been agreed by "the General Assembly to be due to any person or persons upon "the reports of the committee on accounts liquidated, he taking "receipts for said draughts, out of the sum of £10,000 to be "struck and given for the defence and use of this State in pursu- "ance of an act, passed this session, entitled 'An act for printing "and emitting £15,000 in Bills of Credit of this State to be let "out on loan, and for striking the further sum of £10,000 in "such bills for the use of this State and for providing a fund for "sinking the same.'"

The Council took into consideration the amendments proposed by them to the House of Assembly to the bill entitled "An act to punish treasons and disaffected persons, &c.," and the amendment proposed to the 14th amendment, and do adhere to the same; as to the amendments proposed concurred in.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adhering to their amendments proposed to the bill aforesaid, and Messrs. Sykes and Bassett were appointed for the purpose.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, transcribed and signed by the Speaker, and is as follows, to wit:

Gentlemen:

The Council have reconsidered the several amendments proposed by them to the bill entitled "An act to punish treasons and disaffected persons, and for the security of the Government," and not agreed to by the House of Assembly, and do adhere to them severally for the following reasons, that is to say:

As to their 5th amendment, for that the word High, proposed to be struck out in the amendment, is not used in the Statute of 25th of Edward the 3d, stiled the Statute of Treason in Great Britain, the form whereof is evidently made the basis of the present clause, and justly so, as that statute hath been esteemed a good and equitable law between the governor and governed, and the construction thereof clearly ascertained.

As to their 7th amendment, for that it tends to take off the dangerous consequences attending the misconstruction of words or expressions used in common conversation, and preserves freedom of speech and privilege of freemen, whereas the clause to which this amendment is proposed, in the opinion of the Council, will encourage a race of informers, the pest of society, and who always were the engines of tyrants in every State. It is to be hoped that the just cause in which all America is embarked is not to be injured by the speeches of rash, foolish or wicked individuals, or at least they are not to be so much apprehended as the effects of so dangerous a precedent in the infancy of our Government.

The 8th amendment is adhered to as a consequence of the 7th.

As to their 11th amendment, for that, they are of opinion, an increase of the fine and time of imprisonment would equally tend to prevent a breach of the law, and the execution thereof by no means be so disagreeable to humanity. It is frequently found, by experience, that ignominious and disgraceful punishment hardens more offenders than they reclaim.

As to their 13th amendment, because they do conceive that the oath or teste prescribed in the system of government, and recited in this clause, contains, in substance, the whole of the additional teste proposed in the bill, and the Council apprehend it would be wrong, without some evident necessity, thus early to add or

diminish from that form held out to the people, more especially as the teste prescribed in the system of government, and no other, was taken by the members of the General Assembly, who are in the first department in the State, with whom the people have intrusted their lives, liberties and properties. The Council therefore cannot think it necessary that those persons who are to fill the inferior departments should be obliged to take any other.

These reasons weigh strongly with the Council. Many others might be adduced; but they flatter themselves that when the House of Assembly review the parts of the bill particularly objected to they will adopt the amendments proposed by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolutions, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 22d, 1777.

"The House took into consideration the state of the Fort on "Xtiana River, in the Borough of Wilmington, together with the "publick powder and other military stores kept in the magazines "in the said fort, and, on motion,

"*Resolved*, That the said fort, together with the powder and "other military stores be put under the command and care of a "Fort Major, two Sergeants and twelve privates, to be immedi- "ately raised, paid and supported at the expense of the State, "until discharged by the General Assembly thereof.

"That the pay of the said troops per kalender month be as follows:

"To { Fort Major, 18 dollars.
Each Sergeant, 8 dollars.
" Private, 5 "

"That in lieu of rations, each person be allowed 10s. per week "for his subsistence, and the commanding officer to have double "that sum.

"*Resolved*, That Capt. Ralph Walker, of the Borough of Wil- "mington, be appointed Fort Major (instead of Mr. Charles West,

"late Fort Major, who is rendered incapable of that office), and "that he be commissioned by the President and Commander-in-"Chief accordingly ; which said Fort Major shall forthwith inlist "the number of persons above mentioned, who, from the time "of inlistment, shall receive the pay and subsistence aforesaid.

"*Resolved*, That the said Fort Major take under his care and "direction any fire-rafts that may be built or brought into this "State, and be subject to the command of the President or Com-"mander-in-Chief."

On motion,

Ordered, That Mr. Wiltbank wait on the House of Assembly with the following papers, to wit :

The bill entitled "An act to punish treasons, &c.," and message assigning the reasons of Council for adhering to the amendments proposed to the said bill ;

The bill entitled "An act to render divers acts of Assembly, &c., more conformable to the present Constitution ;"

The report of the Committee on Publick Accounts, with the concurrence of Council ;

The resolutions of the House of Assembly respecting the appointment of a Fort Major, and concurrence of Council thereto ;

The resolutions on Col. Jones's petition respecting salt works, with the further amendments proposed by Council ;

The resolution impowering the President to issue his proclamation for continuing officers, with concurrence of Council ;

The resolution upon the petition of Robert Burton and others, with concurrence of Council.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the report of the committee on Capt. Skillington's account, and resolution of Council thereon, with the concurrence of the House of Assembly, and appointment of David Finney, Esq., and Col. George Latimer a Committee for the County of New Castle ; Messrs. John Prior

and French Battle for the County of Kent, and Isaac Horsey, Esq'r, and Mr. John Tenant for the County of Sussex, for the service therein proposed.

[Vide the report for persons appointed on the part of Council, and enter it.] *

Also, the resolutions respecting salt works, with concurrence of the House of Assembly to the amendment last proposed by the Council to the 4th resolution instead of the amendment proposed by the House of Assembly, which being made, the said resolutions are as follows, to wit :

"*Resolved*, 1. That the sum of one thousand pounds be let "by this State upon loan to the said Col. John Jones (the better "to enable him to carry into execution his intention of erecting "salt works in this State, at or near Indian River, in Sussex "County,), he, the said John Jones, giving bond, with sufficient "sureties, for the payment of that sum at the expiration of five "years from the date of said bond.

"2. That for the further encouraging the said Col. Jones in "prosecuting his intentions and erecting said works for manu- "facturing the useful article of salt, this State should engage to "purchase or take of him the quantity of ten thousand bushels "of salt, at the rate of five shillings per bushel, annually for the "space or term of five years, in consideration of which,

"*Resolved*, 3. That the said Col. John Jones ought to engage "and bind himself, his executors and administrators, to deliver, "for the use of this State, to such person or persons as the "President shall appoint, all the salt that by him shall be manu- "factured or made therein (at the place where the salt works "shall be erected), for the space or term of five years aforesaid, "at the rate of five shillings per bushel, so that the quantity in "any one year during that term does not exceed ten thousand "bushels ; and that he should be bound and obliged to deliver, "in each and every year during the term aforesaid, at the manu- "factory aforesaid, for the use of this State, the quantity of three "thousand bushels of salt, manufactured therein at the rate afore- "said.

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*This report does not appear on the record.

"4. That upon the said Col. John Jones complying with the "conditions herein before expressed to be by him entered into "and performed, that he, the said Col. John Jones, his executors, "administrators and assigns, ought to have the exclusive right of "making salt in this State for sale for and during the last four "years of the term aforesaid; and that he may dispose of and sell "to such person or persons as he pleases, and at such prices as "he can get, all the overplus salt he shall make after furnishing "the State with the aforesaid quantity of ten thousand bushels "annually for the term of five years aforesaid.

"5. That the said sum of one thousand pounds be drawn for "by the President out of the ten thousand pounds granted by "the present General Assembly for the use of the State, under "whose direction the bond aforesaid from the said John Jones "and his sureties shall be taken, with the further condition that "the same shall be payable at the end of any one year during "which the said John Jones shall fail to supply the aforesaid "quantity of three thousand bushels of salt.

"6. That if the said John Jones shall neglect to make appli- "cation for the said draught, or to execute his bond on or before "the 20th day of April next, that the encouragement proposed "to be given to him shall cease."

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following acts and resolutions of the House of Assembly, to affix the Great Seal to the same, to wit :

"In Assembly, February 22d, 1777, P. M.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, to wit :

"1. 'An act for supporting and establishing certain Bills of "Credit issued by the Congress of the United States of America, "and to prevent the counterfeiting of the same and certain lottery "tickets issued by their authority, certificates of the Continental "Loan Office, and other bills of credit ;'

"2. 'An act for aiding the discontinuance of the process in "the Supreme Court, and for altering the times of holding the

"said court and also the Courts of Quarter Sessions of the Peace "and Goal Delivery and Courts of Common Pleas ;'

"3. 'An act for printing and emitting £15,000 in Bills of "Credit of this State to be let out on loan, and for striking the "further sum of £10,000 in such bills for the use of this State, "and for providing a fund for sinking the same ;'

"4. 'An act for the recovery of a sum of money due from "Boaz Manlove, of the County of Sussex, to the Delaware "State ;'

"5. 'An act for establishing a Militia in this State ;'

"6. 'An act for ascertaining the salaries and allowances to "the officers and persons herein mentioned employed in the "Government of this State and for the providing a fund for the "payment thereof ;'

"7. 'An act to render parts of divers acts of Assembly and "certain law proceedings more conformable to the present Con-"stitution ;'

"8. 'An act against desertion and harbouring deserters, or "dealing with them in certain cases.' "

The House took into consideration the report of the Committee on Publick Accounts, and divers amendments being proposed to the 1st report and agreed to, the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the said amendments and following papers, to wit :

1st and 2d report of Committee on Public Accounts, with the papers therein referred to ;

The resolutions of the House of Assembly requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed and papers therein referred to;

The resolutions of the House of Assembly impowering the President to draw for the sums appropriated by the General Assembly, with the concurrence of Council.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the report of the committee for adjusting the accounts of the officers and privates of the 2d Delaware Battalion, with the amendments proposed, and David Finney, George Latimer, and John Thompson are appointed a committee for the County of New Castle; John Prior and French Battle for the County of Kent, and Isaac Horsey and John Tenant for the County of Sussex, for the service aforesaid.

The House proceeded to the choice of 2 Privy Counsellors, when it appeared that Thos. McDonough and George Latimer were duly elected.

On motion,

Ordered, That a certificate of the appointment aforesaid be drawn up and sent to the House of Assembly for their concurrence, which was done, and is as follows, to wit:*

Ordered, That the bills passed this session be signed by the Speaker and returned to the House of Assembly.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bills and certificate, also the report of the Committee for Publick Accounts.

Mr. Wiltbank reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of that House requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed. As to the 1st and 2d, acceded to; as to the rest, propose an amendment,

Which was agreed to.

Also, the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 22d, 1777.

"*Resolved*, That the Council be informed that this House, "apprehending the business before the General Assembly may

* The certificate was left out by the Clerk.

"be brought to a conclusion to-day, propose to adjourn to Mon-"day, the 2d June next."

A member from the House of Assembly, attending at the door, was admitted and delivered the amendments proposed by the House of Assembly to the amendments proposed by the Council to the resolution directing the Speakers of both Houses to write to General Washington.

Also the following verbal message, to wit:

"VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO "THE COUNCIL.

"The House has ordered the Speaker to sign any draught that "may be presented by the Speaker of Council for the payment "of the expenses of the session."

On motion,

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit:

Gentlemen:

The Council have been so engaged*

Ordered, That Mr. Vandyke wait on the House of Assembly with the following papers, to wit:

The resolutions of the House of Assembly respecting salt works, and resolutions requesting the Speakers of both Houses to write to General Washington, as amended;

Letters from the President of Congress, inclosing sundry resolutions respecting Continental currency, and requesting an immediate representation from this State in Congress;

The report of the committee on Capt. Skillington's account, with concurrence of Council, and appointment of John Thompson, Esq., for the County of New Castle; John Cook, Esq., for the County of Kent, and William Polk, Esq., for the County of Sussex, on the part of this House for the purpose aforesaid.

* The above is just as it is in the original.

Mr. Vandyke reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill to punish treasons and disaffected persons, &c., with the amendments proposed by this House, to all of which the House of Assembly agreed.

Also, delivered the following verbal message, to wit:

A VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

Gentlemen:

The Assembly are so straitened*

The bill to punish treasons, &c., as amended, was read and compared at the table. Agreed that the same be enacted into a law.

Ordered, That the Speaker subscribe the same, which was done accordingly.

Ordered, That Mr. Bassett wait on the House of Assembly with the said bill as signed by the Speaker.

A member from the House of Assembly, attending at the door, was admitted and returned the certificate, &c., of the appointment of the Delegates to Congress, with their concurrence.

The Council took into consideration their expenses this session, and thereupon

Resolved, That there be paid to the members of Council:

For New Castle County, for personal expenses by them incurred, to wit: 3 members, 42 days, . . .	£	74	17 9
To the members of Kent County, for same, ...		78	17 9
To the members of Sussex County, for same, . . .		82	17 9
To Slator Clay, Clerk of Council, for 40 days' attendance, &c., @ 7s. 6, ...		20	17 6
Carried over, ...	£	257	10 9

* The above is according to the manuscript record.

Brought over, ...	£257 10 9
To Jas. Firth, Messenger to Sussex, ...	2 10 0
To Robert McIlheron, the same to camp, ...	10 0 0
To Robert Booth, Messenger to summon witnesses, .	1 13 0
	£271 13 9

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence, which was done accordingly.

Then the Council adjourned to the 6th day of June next.

MINUTES OF COUNCIL.

MAY, 1777.

MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,

THURSDAY, May 1st, 1777.

Council met in pursuance of a summons from his Excellency John McKinley, Esquire, President and Commander-in-Chief.

A quorum of members not having attended, adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 2d, 1777.

Council met.

It appears by the returns of the Sheriffs and Inspectors of the Counties of Kent and Sussex that, pursuant to a writ from the Speaker, an election was held on the 25th April last, at the usual places of election, for the choice of members of Council in the room of William Polk and John Wiltbank, Esquires, who are appointed Justices of the Court of Common Pleas and Orphans'

Court for the County of Sussex, and James Sykes, Esquire, who is appointed one of the Justices of the Supreme Court of this State, when the following gentlemen were chosen, to wit :

FOR THE COUNTY OF SUSSEX,

John Jones,
Samuel Shelton Sloss.

FOR THE COUNTY OF KENT,

John Baning.

Adjourned till to-morrow morning.

SATURDAY, A. M., May 3d.

Council met.

A member from the House of Assembly delivered the following message from his Excellency the President to the General Assembly, to wit :

A MESSAGE FROM THE PRESIDENT TO THE GENERAL ASSEMBLY.

" *Gentlemen :*

" I herewith send you sundry resolutions of Congress of the " 14th ultimo, recommending measures to the Legislatures of " each of the United States for the more speedy furnishing their " several quotas of troops, together with a circular letter ad- " dressed from the President thereof to the Assembly of this " State, both of which were transmitted to me on the 19th fol- " lowing ; and Congress deeming it necessary that the several " Legislatures should cause those measures to be put in execu-

"tion before the 15th day of this month, I have thought it my "duty, with the advice of the Privy Council, to call you together "at this time."

Adjourned till Monday morning.

MONDAY, A. M., May 5th.

Council met.

A quorum of members not attending, all business was postponed till Wednesday.

WEDNESDAY, A. M., May 7th.

Council met. Present—All the members except Messrs. Cantwell, Jones, Sloss, and Dingee.

Mr. Baning took and subscribed the oath and declaration as prescribed by the Constitution.*

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*The oath, &c., here mentioned, are given in the "Qualification Book," with the signature of the member thereto, as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration

JOHN BANING.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., May 7th, 1777.

"*Resolved*, That no officer, or other person (not being there-"unto particularly authorized by Congress, or his Excellency "General Washington, in pursuance of a resolve of Congress), "shall be permitted to enlist any recruit within this State for any "other State until the quota of troops of this State is completed."

Which, being read, was ordered to lie on the table for consideration.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The resolution of the House of Assembly under consideration in the forenoon was read the second time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Mr. Vandyke prayed leave of absence till to-morrow afternoon. The same was granted.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., May 8th.

Council met.

Mr. Cantwell, a member of this House, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

"An act for the more speedily completing the quota of troops to be raised in this State for the Continental army,"

Which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Speaker being indisposed, adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 9th.

Council met, and resumed the consideration of the bill "for the more speedily completing the quota of troops to be raised in this State for the Continental army," which was read the second time, and, after some time spent therein, was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill under consideration in the forenoon was taken up, and divers amendments being proposed and agreed to, the same were transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Collins wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill entitled

"An act for the holding the General Assembly at Dover, in the County of Kent."

By order read the first time.

Also, sundry resolutions of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., May 9th, 1777.

"*Resolved unanimously*, That it is a daring invasion of the "rights and liberties of the people of this State for any person or "persons to impress any of the inhabitants thereof, or persons "therein residing, either into the sea or land service of the United "States of America, or any of them, under colour of authority "derived from any State, or man, or body of men whatever, ex- "cept the Legislature of this State.

"*Resolved unanimously*, That the President and Commander- "in-Chief be requested to cause to be apprehended and prose- "cuted, according to law, any person or persons who shall pre- "sume to violate the above resolution, and, if necessary, that the "Militia be called in to support the civil authority in apprehend- "ing such offenders."

Which, by order, was read the first time.

The Speaker laid before the Council a letter received by him in the late recess of the General Assembly from the Honorable John Hancock, Esquire, President of Congress, inclosing an attested copy of the Declaration of Independency of the Thirteen United States of America, with the names of the Members of Congress subscribing the same.

And the same being read by order,

Resolved unanimously, That for the better preserving the said act of independency and as a lasting testimony of the approbation thereof by the representatives of the people of this State in General Assembly met, the same be entered at large on the minutes of the respective Houses of this present General Assembly, and afterwards lodged in the rolls office among the laws and other publick acts of this State.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient

causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former system of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us.

For protecting them by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with the power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature to extend an unwarratable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these unsurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necesity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the represenatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the recitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies, are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain, is, and ought to be, totally disolved; and that as free and independent States they have full power to levy war, con-

clude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members :

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT, MATTHEW THORNTON.
WILLIAM WHIPPLE,

MASSACHUSETTS BAY.

SAMUEL ADAMS, ROBERT TREAT PAINE,
JOHN ADAMS, ELBRIDGE GERRY.

RHODE ISLAND, &c.

STEPHEN HOPKINS, WILLIAM ELLERY.

CONNECTICUT.

ROGER SHERMAN, WILLIAM WILLIAMS,
SAMUEL HUNTINGTON, OLIVER WOLCOTT

NEW YORK.

WILLIAM FLOYD, FRANCIS LEWIS,
PHILIP LIVINGSTON, LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON, JOHN HART,
JOHN WITHERSPOON, ABRAHAM CLARK.
FRANCIS HOPKINSON,

PENNSYLVANIA.

ROBERT MORRIS, JAMES SMITH,
BENJAMIN RUSH, GEORGE TAYLOR,
BENJAMIN FRANKLIN, JAMES WILSON,
JOHN MORTON, GEORGE ROSS.
GEORGE CLYMER,

DELAWARE.

CÆSAR RODNEY, GEORGE READ, THOMAS M'KEAN.

MARYLAND.

SAMUEL CHASE, WILLIAM PACA, THOMAS STONE, CHAS. CARROLL, of Carrollton.

VIRGINIA.

GEORGE WYTHE, RICHARD HENRY LEE, THOMAS JEFFERSON, BENJAMIN HARRISON, THOMAS NELSON, JR., FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.

NORTH CAROLINA.

WILLIAM HOOPER, JOSEPH HEWES, JOHN PENN.

SOUTH CAROLINA.

EDWARD RUTLEDGE, THOMAS HEYWARD, THOMAS LYNCH, JR., ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT, LYMAN HALL, GEORGE WALTON.

Ordered, That Mr. Bassett wait on the House of Assembly with the letter from the President of Congress and the attested copy of the Act of Independence, together with the foregoing resolution for their approbation and concurrence.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act for the more speedily completing the quota of troops, &c.," with the amendments proposed by this House to the said bill, to all of which the House of Assembly agreed except the 1st, 2d, 3d and 4th, and request that a committee of Council may be appointed to confer with a committee of the House of Assembly upon the said amendments not acceded to.

And the said proposal for a committee of conference being taken into consideration, Mr. Bassett, Mr. Cantwell, and Mr. Collins are appointed on the part of this House for that purpose.

Mr. Collins, a member of this House, and one of the commissioners appointed by the President and Council of this State to meet commissioners appointed by the States of New York, New Jersey, Pennsylvania, Maryland, and Virginia, at York town, in Pennsylvania, in pursuance of a resolve of Congress, for the purpose of considering and forming a system adapted to the said States for regulating the price of labour, of manufactures, and of internal produce within those States, and of goods imported from foreign parts, except military stores, laid a copy of the proceedings of the said commissioners before the Council.

On motion and order the same was read.

Ordered, That the same be sent to the House of Assembly for their perusal, and that Mr. Collins deliver the same.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to order.

On motion, by special order,

The resolutions of the House of Assembly were read the second time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the said resolutions and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit:

VERBAL MESSAGE TO THE HOUSE OF ASSEMBLY FROM THE COUNCIL.

Gentlemen:

The Council have acceded to your proposal for a conference, by committees to be appointed by both Houses, on the subject matter of the four first amendments proposed by the Council to

the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army, and have appointed Messrs. Cantwell, Bassett, and Collins, on the part of the Council, a committee for the purpose aforesaid.

Ordered, That Mr. Bassett wait on the House of Assembly with the the forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a verbal message appointing Messrs. Ridgely, Finney, and Clowes, on the part of that House, a committee of conference respecting the amendments not acceded to.

Which, by order, was read.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 10th.

Council met.

Mr. Vandyke appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

"A supplement to an act entitled 'An act for regulating innholders, tavern-keepers, and other publick house keepers within this Government, and impowering the Justices to settle the rates of liquors.'"

Also returned the resolution of this House as to the Act of Independency of the United States of America.

On motion, by order,

The "Supplement to an act entitled 'An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, &c.,'" was read the first time and ordered to lie on the table for consideration.

The Council took into consideration their 1st, 2d, 3d and 4th amendments proposed by them to the bill entitled "An act for the more speedily completing the quota of troops to be raised, &c.," and do recede from the same.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for proposing said amendments, and Messrs. Vandyke, Bassett, and Cantwell were appointed a committee for that purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed and signed by the Speaker, and is as follows, to wit:

A MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

Gentlemen:

As the committee of conferees appointed by the two Houses on the subject matter of the four first amendments proposed by the Council to the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army have come to no determination thereon, and the advantage which might arise to the United States by the filling up said quota of

troops must be totally lost should no mode to effect the same be adopted by the General Assembly at their present sitting, the Council think it necessary to recede from their said proposed amendments; but at the same time, in justice to themselves, deem it their duty to inform your honorable House of the reasons which induced them to propose said amendments, and which still strongly impress their minds, to wit:

That the exemptions from all service in the Militia on a recruit being procured by any two persons will induce many to offer considerable sums in addition to the bounty allowed by Congress, which will effectually put an end to the enlistment of men by any commissioned officer of said battalion, except for such who may wish to purchase exemptions.

That such exemptions will tend to discourage the Militia, as the procuring recruits in that mode can only be adopted by those who may be in easy circumstances. This will occasion dissatisfaction and murmuring among others who are not so fortunate as to be able to take advantage thereof.

That every step having a tendency to discourage the bulk of the people, or lessen their confidence in a number of their fellow-citizens, ought to be carefully avoided, as the success of the present righteous struggle chiefly depends on unanimity and confidence being supported among all ranks of people. The mode prescribed in the bill may, for many reasons, not be so injurious in a large and populous State. Our case is different. We have a long and extended frontier and few to guard it. Every exertion must be made to spirit up that few. The numbers are such that they will not bear much diminution, particularly of those of whom most may be expected.

That if a number of suitable persons in this State, in addition to the officers of the Delaware Battalion, were authorized to recruit and a bounty given to them, with a further allowance for the subsistence of recruits, the quota of troops for this State might be made up, and a defection in the Militia not risqued.

Ordered, That Mr. Baning wait on the House of Assembly with the bill and forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

"A supplement to the act entitled 'An act for establishing a Militia in this State,' "

Which, by order, was read the first time.

On motion, by special order,

The supplement to the act entitled "An act for establishing a Militia in this State," was read the 2d time, and, after some time spent therein, was agreed to.

Ordered, That Mr. Baning wait on the House of Assembly with the bill.

Who, being returned, reported that he had delivered the bill according to order.

On motion, by special order,

The bill entitled "An act for holding the General Assembly at Dover, in the County of Kent," was read the 2d time, and an amendment being proposed the same was transcribed and sent to the House of Assembly for their concurrence.

The supplement to an act entitled "An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government," was read the 2d time and concurred in.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the two foregoing bills and amendment proposed to the former.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

"An act for the holding the General Assembly at Dover, in the County of Kent,"

With the amendment thereto proposed, to which the House of Assembly agreed.

The Council consent that the said bill be enacted into a law.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing sundry resolutions of Congress, to wit:

"*Gentlemen:*

"I herewith send you some resolutions of the Honorable "Congress of the 19th ultimo, transmitted to me by the Presi- "dent, recommending measures to the Legislative and Executive "authorities of this State and the State of Maryland to avert the "imminent danger of an insurrection in the Counties of Somerset "and Worcester, in the State of Maryland, and to prevent their "being joined by disaffected persons in the County of Sussex, in "this State, and to enact laws appointing commissioners to take "charge of the estates of such as may be removed. In conse- "quence whereof, with the advice of the Privy Council, I wrote "to some principal gentlemen in the County of Sussex and to "the commanding officers of the Militia adjacent to Worcester "County, desiring them respectively to make the most speedy "and strict inquiries respecting the danger apprehended from "Sussex County, and that they would, as soon after as possible, "let me know the result. In answer to which, I have been in- "formed by those gentlemen severally that the inhabitants of "that county are very quiet, and that they imagined the sus- "picion as to them was not well founded, save one of the gen- "tlemen, who refers me to be informed by Mr. John Clowes, a "member of the House of Assembly, with whom I have had an "opportunity to converse on that subject, but from whom you "can much better immediately receive that information."

Also, sundry resolutions of the House of Assembly, founded upon the report of their committee to whom were referred the foregoing message and its inclosures.

Also, a verbal message informing the Council that the House of Assembly propose to adjourn to-morrow morning till the 2d June next.

On motion,

Ordered, That the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President

and sent to the Council, be referred to a committee of two to report thereon.

And Messrs. Vandyke and Bassett are appointed a committee for that purpose.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 12th, 1777.

Council met.

Mr. Dingee, a member of this House, appeared and took his seat, and assigned his reason for not attending sooner, which was deemed sufficient.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the two following engrossed bills for the examination of Council, to wit:

The bill entitled "An act for the more speedily completing the quota of troops to be raised in this State for the Continental army."

Also, a supplement to the act entitled "An act for establishing a Militia in this State."

Which, being severally examined and compared, the Council consent that the said bills be enacted into laws.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bills.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

The committee appointed to consider the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President, have taken the same into consideration

and beg leave to report the following resolutions to be adopted instead thereof : *

And the said resolutions reported by the committee of Council being read and considered, were agreed to be adopted in the stead of the resolutions sent from the House of Assembly, and ordered to be sent to that House for their consideration and concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

"In the House of Assembly,
"Monday, A. M., May 12th, 1777.

"On motion,

"*Resolved*, That this House will, before dinner, adjourn to the "2d day of June next."

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions reported by the committee of Council and agreed to be adopted in the stead of the resolutions of the House of Assembly, founded on the President's message, with divers amendments thereto proposed, which were concurred in, to wit : †

Also, the following bills passed this session, to wit :

"An act for the holding the General Assembly at Dover, in the County of Kent ;"

"A supplement to an act entitled 'An act for regulating innholders, tavern-keepers, and other publick house keepers within this Government, and impowering the Justices to settle the rates of liquors ;' "

"An act for the more speedily completing the quota of troops to be raised in this State for the Continental army ;"

"A supplement to an act entitled 'An act for establishing a Militia in this State ;' "

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* The Clerk left a blank space for, but neglected to copy these resolves into his journal.

† These amendments do not appear on the manuscript journal.

Which were signed by the Speaker.

Ordered, That Mr. Collins wait on the House of Assembly with the above laws and resolution aforesaid, as amended.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House impowering the President to affix the Great Seal of this State to the different bills passed this session.

Which was concurred in.

Ordered, That the above resolution be signed by the Speaker and returned to the House of Assembly.

And Mr. Vandyke was appointed for that purpose, who, being returned, reported that he had waited on the House of Assembly according to order.

Then the Council took into consideration the state of their expenses, and they find

New Castle County's quota	£	24	7 11
Kent County's "		24	7 11
Sussex County's "		24	7 11

Adjourned till 2d June.

MINUTES OF COUNCIL.

JUNE, 1777.

MINUTES OF THE COUNCIL

OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,
MONDAY, June 2d, 1777.

Council met according to adjournment.

A quorum of members not attending, adjourned till to-morrow morning, 10 o'clock.

TUESDAY, June 3d.

Council met. Present all the members, except Mr. Vandyke.

Messrs. Sloss and Jones, being elected in the stead of William Polk and John Wiltbank, Esquires, who were appointed Justices of the Court of Common Pleas and Orphans' Court in Sussex County, took and subscribed the oath and declaration as prescribed by the Constitution.*

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* The oath, &c., here mentioned, are given in the "Qualification Book," with the signature of the members thereto.

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son,

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., June 3d, 1777.

"On motion,

"*Resolved*, That this House propose to put in nomination, to-morrow afternoon, persons qualified to be Judges of the Supreme Court for this State, in the room of Richard M. William and Cæsar Rodney, Esquires, elected on the 21st day of February last first and second Justices of the said Court, who have declined accepting of the same offices; and James Sykes, Esquire, elected, at the same time, third Justice thereof, he having since that time accepted of the Clerkship of the Courts of Common Pleas and Quarter Sessions for the County of Kent, and thereby being rendered incapable of holding the said office; and also for the office of Judge of the Admiralty, in stead of Nicholas Vandyke, Esquire, who was elected thereto on the aforesaid day, and hath since declined to accept thereof; and that the Council be requested to concur herein."

Which, by order, was read the first time.

On motion, by special order, the same was read the 2d time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to order.

Ordered, That a certified copy of the above resolution be delivered to his Excellency the President.

Adjourned till to-morrow.

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and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

SAMUEL SHELTON SLOSS.
JOHN JONES.

WEDNESDAY, P. M., June 4th.

Council met.

A committee from the House of Assembly, attending at the door, were admitted and informed the Council that the House of Assembly is now ready to proceed to the nomination of Justices of the Supreme Court and a Judge of the Admiralty, agreeable to the resolution of both Houses.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the respective offices of Justices of the Supreme Court and Judge of Admiralty for this State, to be balloted for to-morrow at 3 o'clock, P. M.

Ordered, That notice thereof be forthwith given to the President.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

"An act for aiding the discontinuance of the process in the Courts of Quarter Sessions for the Counties of New Castle and Sussex, &c."

Which, by order, was read the first time.

On motion,

Ordered, That Col. Jones and Major Sloss be of the Committee for Publick Accounts.

Ordered, That Mr. Bassett wait on the House of Assembly with a copy of the above order.

On application of Col. Collins for leave of absence till to-morrow morning, the same was granted.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, June 5th.

Council met.

Mr. Speaker laid on the table a message from his Excellency the President, together with a certified copy of the report of those persons who were appointed to go into the County of Sussex to make inquiry into the present disposition of the inhabitants thereof, and sundry resolutions of Congress of the 29th of April and the 12th and 19th of May last; which message is as follows, to wit:

"*Gentlemen:*

"In pursuance of your resolution of the 12th of last month "I, together with the Privy Council, did appoint John Thompson, Thomas Collins, and John Cook, Esquires, to go into the "County of Sussex for the purposes in that resolution expressed, "in consequence whereof I received, the evening before last, a "report, in writing, signed by two of the aforesaid gentlemen; "whereupon I convened the Privy Council yesterday and laid "the same before them, and now, with their advice, I herewith "send you a copy of that report.

"Since the last sitting of your honorable Assembly I received "some resolves of Congress, to be laid before you. One of "those resolutions, of the 29th of April last, recommends the "adjustment of the accounts for recruiting the Continental Battalion of this State, that the same may be transmitted to the "Treasury Board. Another of those resolutions, of the 12th of "May last, recommends to the Legislature to exempt from military duties all persons who are immediately concerned in the "business of the post office; and another of them, of the 19th "of the same month, recommends that the Legislature should "make provision, by law, for marching the Militia out of this "State when the service shall so require it."

Which, being severally read, were referred for consideration.

The bill for aiding the discontinuance of the process in the

Courts of Quarter Sessions for the Counties of New Castle and Sussex was, upon motion and order, read the 2d time.

Resolved, That the same bill be committed to a committee of three.

The persons chosen, Messrs. Bassett, Jones, and Collins.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box; the Speakers of the two Houses, in presence of the President and the other members, examined the ballot-box, and it appearing that there was a majority of votes in favor of William Killen, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of John Evans, Esquire, as second Justice of the said Court, and a majority of votes in favor of John Cook, Esq'r, as third Justice of said Court,

Whereupon the said William Killen, John Evans, and John Cook are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Cæsar Rodney, Esquire,

Thereupon the said Cæsar Rodney is declared duly elected and appointed Judge of Admiralty.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., June 6th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House to put in nomination, to-morrow afternoon, persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, Esquire, who hath declined accepting of the same office.

Which, by order, was read the 1st time.

The committee to whom the act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c., in the Counties of New Castle and Sussex, was committed, report sundry amendments thereto, which were agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration.

The resolution of the House of Assembly respecting the nominating persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, &c., was read the 2d time, and thereupon

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit:

A VERBAL MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

Gentlemen:

The Council beg to know in what way it doth appear to the House of Assembly that Thomas Tilton, Esq., of Kent County, lately elected Chief Justice of the Court of Common Pleas and Orphans' Court for that county, hath declined accepting of the same office, or what evidence the House of Assembly hath of that fact.

Ordered, That Major Sloss wait on the House of Assembly

with the above bill and amendments thereto proposed, also the resolution and verbal message.

Major Sloss reported that he had waited on the House of Assembly according to order.

The Council taking into consideration the resolves of the Honorable the Congress of the 29th of April last relating to the settlement of the accounts for recruiting the Continental Battalion of this State, mentioned in a message from the President of the 5th instant, thereupon

Resolved, That George Latimer and Robert Bryan, Esquires, be a committee to state an account of the monies advanced for recruiting the Continental Battalion belonging to this State, together with the names of the officers to whom the same were advanced, and to transmit the same to the Paymaster of the said battalion.

On motion,

Ordered, That the Paymaster forthwith call the said offieers to account for such monies, agreeable to the resolutions of Congress aforesaid.

Ordered also, That the said Paymaster afterwards lay before the said committee a state of the said accounts, together with the vouchers to be produced, for their examination.

Ordered, That Mr. Baning wait on the House of Assembly with a copy of the above resolution and orders, and propose to them the appointment of a committee of the House of Assembly to join the committee of Council in the business aforesaid, if they think proper.

Ordered also, That the said George Latimer and Robert Bryan be appointed a committee to state an account of expenditures by this State for and on behalf of the Continent, in the stead of Messrs. Sykes and Vandyke, the former committee, who are absent, and now discharged from that service.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House appointing Mr. Lockwood and Mr. Horsey a Committee of Accounts for the present year.

Also, a resolution to adjourn to-morrow evening until the thirtieth day of September next.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., June 7th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following verbal message, to wit:

"*Gentlemen:*

"In answer to your verbal message of yesterday, delivered "by Mr. Sloss, begging to know in what way it doth appear to "the Assembly that Thomas Tilton, Esquire, hath declined ac- "cepting of the office of Chief Justice of the Court of Common "Pleas and Orphans' Court for the County of Kent, or what "evidence the House have of that fact, the Assembly inform "the Council that two of the members of their House, namely: "Messrs. Stout and Cook, gave the House to understand that "they had frequently conversed with Mr. Tilton upon the subject "of his appointment aforesaid, and requested him to qualify to

"the said commission, and one of them very lately, and that he "never gave them any reason to believe he intended to qualify "thereto, and that he had not qualified to the said commission "when the said members departed from their homes to attend "this present sitting of the Assembly, which was three months "after his appointment."

Also, a resolution appointing John Barclay, Jonathan Robinson, and William Hemphill a committee, on the part of the House of Assembly, to join the committee of Council for stating an account of the monies advanced for recruiting the Continental Battalion belonging to this State, and also in stating an account of expenditures by this State for and on behalf of the Continent, in the room of Messrs. Thompson, Jones, and Robinson, appointed for that service on the 19th of February last, they being engaged in other public business.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

"An act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c.,"

With the amendments thereto proposed by the Council, to which the House of Assembly agreed.

The Council consent that the said bill be enacted into a law.

Ordered, That Mr. Bassett wait on the House of Assembly with the above bill and its amendments.

Who, being returned, reported that he had waited on the House of Assembly according to order.

The Council took into consideration the verbal message from the House of Assembly respecting the evidence that has appeared of Mr. Tilton's declining to accept of the office of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

On motion,

Ordered, That the same be postponed till it is known whether the House of Assembly will recede from their resolution to adjourn this evening.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the following bill passed this session, to wit:

"An act for aiding the discontinuance of the process in the Court of General Quarter Sessions of the Peace and Goal Delivery in the Counties of New Castle and Sussex, and for other purposes therein mentioned."

Also delivered the report of the joint committtee for settling and adjusting public accounts, to wit:

"The joint committee appointed for settling and adjusting public accounts report that they have examined the accounts of his Excellency John McKinly, Esquire, and there is due to him a balance of £707 : 2 : 9, allowed him, on a former settlement, as Military Treasurer of New Castle County; and £48, as signer of the late paper currency, and £20, it being the interest of £755 for 3 months and 3 weeks, and sundry other sums advanced by him since, as by his accounts appear, and the further sum of £713 : 11 : 0, together with commissions on £1,113 : 11 : 0, at 2½ per cent., the whole amounting to £1,516 : 10 : 3.

"Your committee do further report, that on examining an account exhibited by John Clowes, Esquire, do find a balance due him of £10 for attending the press when printing money;

"To Samuel Crossan, on the examination of his account, a balance due to him of £20, which he is entitled to receive upon his producing a certificate from a Justice proving the facts set forth in his account with respect to a horse lost in the service;

"To Jonathan Robinson the sum" *

Ordered, That Col. Collins wait on the House of Assembly with the several allowances made by that House to the report of the joint committee and concurrence of Council thereto.

Also, the bill entitled "An act for aiding the discontinuance of the process of the Courts of General Quarter Sessions of the Peace, &c.," as signed by the Speaker.

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* A memorandum here says: "Get from Mr. Booth," and then follows a long blank space for inserting other items.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 7th, 1777.

"On motion,

"*Resolved*, That the President and Commander-in-Chief be "impowered and required to draw on the Trustees of the Loan "Offices for this State respectively, or any of them, for the sums "agreed to by the General Assembly to be due to the persons "hereafter mentioned upon the reports of committees, out of the "sum of £ 10,000, struck and given for the defence of this State "in pursuance of an act entitled 'An act for printing and emit- "ting £ 15,000 in Bills of Credit of this State, to be let out on "loan, and for striking the further sum of £ 10,000 in such bills "for the use of the State and for providing a fund for sinking "the same,' he taking receipts for said draughts:

"To Capt. Bassett, ...	£	20	16 3
"To Mr. President, ...		1516	10 3
"To Samuel Crossan (on his complying with the "terms prescribed by the committee), . .		20	0 0
"To James Adams, ...		216	13 1
"To John Baning, ...		1	10 0
"To Gen. Rodney, Col. Collins and Jas. Latimer,		123	15 0
"To Col. Collins and John Thompson, Esq., . .		38	10 0
"To Thomas McKean, Esq., ...		20	2 6
	£	1957	17 1

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"SATURDAY, P. M., June 7th, 1777.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the bill entitled 'An act for aid- "ing the discontinuance of the process in the Courts of General "Quarter Sessions of the Peace and Goal Delivery in the Coun- "ties of New Castle and Sussex, and for other purposes therein "mentioned.' "

Ordered, That Major Sloss wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Who, being returned, reported, &c.*

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* Thus ends Mr. Clay's journal.

MINUTES OF COUNCIL.

OCTOBER, 1777.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the twentieth day of October, Anno Domini one thousand seven hundred and seventy-seven, a sufficient number of members to compose a House not attending, adjourned from day to day till

THURSDAY, October 23, 1777.

The following members appeared in the Council, viz:

For New Castle County—George Read, Nicholas Vandyke.

For Kent County—Thomas Collins, John Baning.

For Sussex County—John Jones.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Counsellor to fill the vacant seat of Richard Cantwell, Esq., who had the smallest number of votes at the General Election in October, 1776, being delivered at the table, it appears that the annual election for the said county was held on the first day of October, instant, at the Academy, in the Town of Newark, in the County of New Castle, in pursuance of a proclamation issued for that purpose by the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of President McKinly and the Vice President, by reason that the situation of the British fleet and army at and near the Town of New Castle rendered it impracticable to hold the election there. Mr. Peter Hyatt was chosen a member of the Council for New Castle County in the place of Mr. Cantwell, and Mr. Hyatt appeared in the House.

The return of the Sheriff and Inspectors for the County of Kent being laid on the table, it appears that Richard Bassett, who had the smallest number of votes at the former General Election for the said county, was reëlected a member of the Council for the County of Kent on the first day of this instant October. Mr. Bassett appeared in the House.

On motion,

Agreed unanimously that the Speaker of the Council be chosen annually.

Then the Council proceeded to the choice of a Speaker, and George Read, Esquire, was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk and Nathaniel Smithers, Jun., Messenger and Doorkeeper.

Mr. Bassett and Mr. Hyatt, the two members chosen at the last General Election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

The Speaker laid on the table a letter from the Honorable Thomas McKean, Esq., late Speaker of the House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, which, by order, was read the first time.

FRIDAY, October 24, 1777.

Council met.

Benjamin Vining, as Clerk of the Council, appeared in the House, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and also took the oath of office as Clerk of this House. [*See note on page 11.*]

On motion and order,

The letter from the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, was read a second time and committed to Messrs. Vandyke, Bassett, and Jones, to report thereon.

Adjourned till to-morrow.

SATURDAY, October 25, 1777.

Council met.

A petition from divers of the inhabitants, freeholders and electors of the County of Sussex, complaining that they and other the freeholders and electors of that county, on the first day of October last past, were prevented from electing Representatives for the said county to the General Assembly of this State, and also of Sheriffs and Coroners for the ensuing year, by divers other persons, inhabitants of the said county, with an armed force, was delivered in at the table, and, on motion, read the first time.

The committee to whom the letter from the Honorable Thomas McKean, Esquire, as President in the absence of Mr. President McKinly and the Vice President, was referred, now made their report, which, on motion and order, was read the first time.

By special order the same was read a second time, and, after some debate, it was recommitted.

On motion, by special order,

The petition from divers of the freeholders and electors of Sussex County, complaining that the general election for representatives for the said county was prevented to be held by an armed force, was read a second time and referred for consideration.

Adjourned to Monday morning, 10 o'clock.

MONDAY, October 27, 1777.

Council met and adjourned till to-morrow morning, 10 o'clock.

TUESDAY, October 28, 1777.

Council met.

The committee to whom the report on Saturday was recommitted, now brought in their report, which, by order, was read the first time.

Adjourned till to-morrow.

WEDNESDAY, October 29, 1777.

Council met, and, on motion and order, the report of yesterday was read a second time and approved, in the following words, viz:

The committee of Council to whom a letter from the Honorable Thomas McKean, Esq., late Speaker of the House of Assembly, President and Commander-in-Chief of the Delaware State, was recommitted, do now report—

That the present situation of public affairs in this State requires that 600 militia be raised as speedily as possible for the protection and defence thereof, who are to continue in service for two months, unless sooner discharged by the Commander-in-Chief, and be furnished in the following proportions, viz: 300 non-commissioned

officers and privates in New Castle County, to consist of 6 companies of 50 men each, viz: 2 sergeants, 2 corporals, 1 drummer, 1 fifer, and 44 privates, to be commanded by 1 captain, 1 lieutenant, and 1 ensign; 200 do. in Kent County, and 100 do. in Sussex County, to be officered in the same manner;

AND WHEREAS the representatives of the several counties in this State have not, and in appearance cannot form themselves into a House for transacting of the public business, therefore from the necessity of immediately providing for the payment and support of the aforesaid troops, the committee report the following resolution, to be entered into by Council, viz: That it be recommended to the President and Commander-in-Chief to draw the sum of £5,000 out of the hands of the Trustee of the Loan Office of Kent County, and be by him applied for the uses aforesaid; and that the Council on their part do promise and engage that they will hereafter concur with the Assembly in providing a fund for the replacing the said sum.

Your committee do further report a resolution, to be adopted by Council, recommending it to the President to draw the balance of the £10,000 emitted for the support of this State, and apply the same in discharge of the debts due to the militia heretofore called out.

Your committee do further report that, in their opinion, a committee of three persons be appointed to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of the Counties of New Castle and Kent for former service, viz: Robert Bryan, Robert Armstrong, and Thomas Montgomery, gentlemen; and also that a committee of three persons, viz: John Jones, John Rodney, and John Clowes, gentlemen, be appointed in the County of Sussex to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of said county for former service, and make report thereof to the President, who is to pay the same accordingly.

Your committee do also recommend that a certified copy of the foregoing resolutions be made out, and the approbation of such of the members of the House of Assembly as are or may be in town signified by their subscribing the same.

On motion,

Ordered, That a copy of the preceding report and resolutions be made and delivered to the members of Assembly now in town, to be signed by them, signifying their approbation of this proceeding of the Council, and that Mr. Vandyke and Mr. Bassett attend them for this purpose.

Messrs. Vandyke and Bassett, having returned, delivered at the table the copy of the report and resolutions aforesaid, with the following subscription, to wit :

We, whose names are hereunto subscribed, being members of the Assembly for the Delaware State, do approve of the foregoing report and resolutions, and do engage to support the measures proposed therein at all times hereafter, both in our private and public capacities. Witness our hands this 29th of October, 1777 :

Richard Lockwood,	Sam'l Patterson,
Samuel West,	James Black,
Jehu Davis,	William Clark,
John Clayton,	Isaac Lewis,
Wm. Molloston,	Robert Bryan,
George Craghead,	Jacob Stout.
Robert Armstrong,	

And signed, this 4th December, 1777, by Charles Ridgely.

Thereupon

Resolved, That the several resolutions mentioned in the foregoing report be adopted by this House and forthwith carried into execution.

Then the Council proceeded to the settlement of the per diem wages and mileage of the members and the accounts of their officers for the present meeting, and the following allowances were made, viz :

To George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt, Thomas Collins, John Baning, Richard Bassett, and John Jones, Esq'rs, for nine days' attendance and mileage, ...	£ 46 11 0
To Benjamin Vining, Clerk, ...	6 7 6
To Nathaniel Smithers, Jun., Doorkeeper, ...	1 15 0
	£ 54 13 6

Ordered, That the Speaker draw orders on the Trustee of Sussex County for the payment of the several sums aforesaid.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned till the first day of December next.

MINUTES OF COUNCIL.

DECEMBER, 1777.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Monday, the first day of December, Anno Domini, 1777, a sufficient number of members to compose a House not attending, the Council adjourned till to-morrow.

TUESDAY, December 2d, 1777.

The following members appeared, viz :

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

For Kent County—Thomas Collins, John Baning, Richard Bassett.

And adjourned till to-morrow.

WEDNESDAY, December 3d, 1777.

The Council met, and Col. John Jones, a member for Sussex County, appeared in the House.

The Representatives of the Counties not having formed themselves into a House of Assembly, the Council adjourned from day to day till Monday, the 8th of December, 1777.

MONDAY, December 8th, 1777.

The Council met and adjourned till to-morrow morning, 10 o'clock.

TUESDAY, December 9th, 1777.

The Council met. Present all the members as on last Wednesday, except Mr. Jones.

The minutes of the last meeting of the Council were read.

On motion

Resolved, That a copy of that part of the proceedings of the Council respecting the raising and pay of 600 Militia within the State, for its protection and defence, and also the appointment of committees for adjusting the accounts of expenses of former service of the Militia of the State, with the mode recommended for discharging the same, be made out and sent to the House of Assembly, with a message from the Council setting forth the reasons that induced them to adopt the said measures, and recommending it to the House of Assembly to make such provision in

the premises as they may judge necessary, consistent with the Laws and Constitution of the State.

Ordered, That Messrs. Bassett and Vandyke be a committee to prepare a draught of such message and report the same in the afternoon.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met. Some of the members attending the Committee,

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., December 10th, 1777.

The Council met. The same members present as on yesterday.

The committee appointed to prepare the draught of a message to the House of Assembly now delivered one in, and the same being read was ordered to be transcribed and signed by the Speaker, and is in these words, to wit:

Gentlemen:

The Council herewith transmit a copy of their resolutions of the 29th October last, directing the raising of 600 troops within this State for the protection and defence thereof, and providing for the payment and support of said troops, and also appointing committees to receive, examine and adjust the accounts of expenses which had accrued and become due to the Militia of the State for former service, with the mode recommended for discharging the same.

As the Representatives of the several Counties in the State did not form themselves into a House for transacting of the public business, the Council, on their part, were induced to adopt the measures contained in said resolutions to prevent the persons of the inhabitants near the water from being seized and taken prisoners and their property plundered by the crews of the enemy's ships of war, which then were in the Delaware; to put a stop to the illegal and pernicious trade carried on with the enemy by the inhabitants of this State; and to remove the complaints made by the Militia of non-payment for former services, which the Council were apprehensive would not only tend to delay the raising said troops, but also prevent the Militia from turning out in cases of emergency.

The Council now recommend it to your honorable House to take the said resolutions into your consideration, and make such further provision in the premises as you may judge necessary, consistent with the Laws and Constitution of the State.

Ordered, That Mr. Collins wait on the House of Assembly with the said message and copy of the resolutions of this House of the 29th October last respecting the raising and pay of the 600 Militia within the State for its protection and defence, and also the appointment of committees for adjusting the accounts of expenses of former service of the Militia of the State, with the mode recommended for discharging the same.

Who, being returned, reported that he had delivered the same according to order.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit:

That the House of Assembly had chosen their Speaker, and were now ready to proceed on any business that the Council should think fit to lay before them.

The Council resumed the consideration of the petition from divers of the inhabitants, freeholders and electors of Sussex County, complaining of their being prevented from electing Representatives for that County to the General Assembly, and also of Sheriffs and Coroners, for the ensuing year, by an armed force, and thereupon

Ordered, That a committee be appointed to bring in a bill for the holding an election in that county, at a short day, for the choosing of Representatives to the General Assembly, and also for the election of Sheriffs and Coroners, for the ensuing year; and

Resolved, That the petition aforesaid, with the papers attending the same, be sent to the House of Assembly for their perusal, and that that House be requested to appoint a committee to confer with a committee of Council on the subject matter of the said petition, who shall severally report thereon.

Ordered, That Mr. Baning wait on the House of Assembly with the said petition and a copy of the foregoing order and resolve.

Who, being returned, reported that he had delivered the same according to order.

Resolved, That Mr. Vandyke, Mr. Bassett, and Mr. Collins be a committee to bring in the bill aforesaid for holding an election in Sussex County at some short day.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill to remedy the loss of divers Public Seals of Office in the County of New Castle," which, by order, was read the first time.

And also the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"WEDNESDAY, P. M., December 10, 1777.

"*Resolved*, That Messrs. Craghead, Lockwood, and Black be

"a Committee of Accounts for the present year; and that Mr. "Craghead wait on the Council and propose to them the ap- "pointment of a committee of their body to join the committee "of this House in the business referred to them, if they think "proper."

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., December 11th, 1777.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 12th, 1777.

The Council met. Present the same members as on yesterday.

The committee appointed to bring in a bill for holding an election in Sussex County at some short day, now delivered one in, which, by order, was read the first time.

On motion, by special order,

The same was read the second time by paragraphs and passed, and ordered to be transcribed, and that Mr. Baning wait on the House of Assembly with the transcribed bill for their consideration and concurrence.

A message from the Vice-President to the General Assembly, respecting the advance of a sum of money to Lieutenant Colonel

Pope, to purchase clothing for the Delaware Battalion in the Continental service, was delivered at the table, and, by order, read the first time.

On motion and order,

The resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred to Messrs. Bassett and Vandyke, to report thereon to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., December 13th, 1777.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair certain resolutions for the borrowing of seven hundred and fifty pounds, on the credit of the State, to be put into the hands of Lieutenant Colonel Charles Pope, to enable him to proceed in the purchase of clothing for the Delaware Regiment.

Which, by order, were read, and an amendment proposed by way of addition to the last resolve being agreed to, the same was transcribed.

Ordered, That Mr. Hyatt wait on the House of Assembly with the said resolutions and the amendment proposed thereto for their consideration and concurrence.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Col. Jones, who had been absent, now appeared in Council.

The committee to whom the resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred, do now report it as their opinion that the following message be sent to the House of Assembly, to wit:

Gentlemen:

The Council have taken your resolution of Wednesday last, for the appointment of a Committee of Accounts for the present year, into consideration, and are of opinion that the whole business cannot be well executed by one committee. By the generality of the appointment, accounts between this State and the United States, future accounts of the Militia within this State, Loan Office accounts, Military Treasurers' accounts, with some others, will be included. This, we apprehend, was not intended by you; but, if so, we cannot consent thereto. To state the accounts of expenditures by this State for and in behalf of the Continent will be a tedious business, requiring knowledge, attention and care, and it may be too burthensome to exact any other service of the committee who may be appointed for that purpose. Therefore we submit it to you whether it is not necessary to appoint committees severally for the several services.

Which being agreed to,

Ordered, That the same be transcribed and signed, and that Mr. Jones deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

On motion and order,

The bill to remedy the loss of divers Public Seals of Office in the County of New Castle was read a second time, and, upon consideration thereof, divers amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent by Mr. Bassett to the Assembly.

Who, being returned, reported that he had delivered the same according to order.

It appearing to the Council that the committee appointed by the General Assembly, at their meeting in January last, to procure the making and engraving of a Great Seal of this State, have not yet completed that business, and that the Seal of New Castle County, ordered by the General Assembly to be the Great Seal of this State *pro tempore* until the seal to be procured as aforesaid should be delivered to the President, hath fallen into the hands of the enemy, and still is in their possession, by means whereof there is not at this time any Great Seal of the State to affix to laws and commissions; therefore

Resolved, That the ancient Seal of the County of Kent, dated '83, shall be held and deemed to be the Great Seal of the State *pro tempore*, until the Great Seal ordered to be made and engraven as aforesaid shall be delivered to the Commander-in-Chief of the State.

Ordered, That Mr. Bassett wait on the House of Assembly with this resolve, for their concurrence.

Who, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns;" and a "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," for the consideration and concurrence of Council.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., December 15th, 1777.

The Council met. Present the same members as on Saturday.

On motion and order,

The "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," was read the first time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," have its first reading, which was done accordingly.

On motion and order,

The "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," was read a second time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," have its second reading, which was done accordingly.

Ordered, That both the said bills be committed to Messrs. Collins, Vandyke, and Jones, to report thereon.

A member from the House of Assembly returned to the Chair the resolution for adopting the ancient Seal of Kent County as the Great Seal of this State *pro tempore*, with the concurrence of the

House of Assembly thereto; and also the bill to remedy the loss of divers Public Seals of Office in the County of New Castle, with the amendments proposed by the Council, to which the House of Assembly also agreed.

Ordered, That the said bill be engrossed.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, December 10, 1777.

"On motion,

"*Resolved*, That this House will, to-morrow in the forenoon, "adjourn for this present sitting to some future day."

"*Ordered*, That Major Bryan wait on the Council with a copy "of the above resolution respecting the adjournment of the Gen- "eral Assembly."

Which being read and considered,

Resolved, That a committee of Council be named to confer with a committee of the House of Assembly on the subject of the said resolution.

Whereupon Messrs. Vandyke and Bassett were appointed.

Ordered also, That Mr. Vandyke deliver the following verbal message to the House of Assembly, to wit:

Gentlemen:

The Council having received a notice from your House of their intention to adjourn to-morrow in the forenoon, do apprehend that the business now before them and necessary to be completed before the rising of the General Assembly cannot be gone through by the time limited by you; therefore the Council do propose to the House of Assembly the appointment of a committee of their House to confer with Messrs. Vandyke and Bassett, a committee of Council, on the subject of the adjournment, as proposed by the House of Assembly.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly informed the Chair that Messrs. Patterson, Craghead, and Bryan were appointed a committee to confer with the committee of Council as to the time of adjourning.

The said committee of conference met and agreed that it be recommended to the House of Assembly to reconsider their resolution for adjourning to-morrow in the forenoon.

A message from the Vice-President to the General Assembly, with a resolution of Congress of the 14th of November last, respecting the sufficiency of the force within the State to prevent the disaffected from furnishing the enemy with provisions, and also a request for a speedy representation of the State in Congress, was delivered at the table, and, by order, read the first time.

On motion,

Ordered, That Col. Collins wait on the House of Assembly and propose to them the choosing of Delegates for this State to Congress for the ensuing year, by joint ballot of both Houses, to-morrow, at 3 o'clock, P. M.

Who, being returned, reported that he had delivered the same according to order.

Mr. Bassett having applied for leave of absence for a few days, it is granted to him.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message from the Assembly, to wit:

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"The House of Assembly have taken into their consideration "your proposition relative to the choice of Delegates from this "State to Congress, and think it expedient that both Houses "should, previous to the election, meet and put in nomination "persons qualified for Delegates to Congress, agreeable to the

"mode heretofore used by both Houses in such cases; and there-
"fore this House propose to the Council to meet at 10 o'clock
"to-morrow morning, at such place as the Council may think
"proper."

Which, being read, was agreed to, and the following answer, drawn up at the table, was ordered to be sent to the House of Assembly, to wit:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE ASSEMBLY.

Gentlemen:

The Council agree to the meeting proposed by the House of Assembly at 10 o'clock to-morrow morning, to put in nomination persons who shall be balloted for as Delegates to Congress, and that the place of meeting be in the Council Room.

Mr. Hyatt, appointed to deliver the same, reported that he had so done according to order.

A member from the House of Assembly, attending at the door, was admitted and informed the Chair that the House of Assembly acceded to the place of meeting fixed by the Council.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., December 16th, 1777.

The Council met. Present the same members as on yesterday except Mr. Bassett, and adjourned till to-morrow morning.

WEDNESDAY, A. M., December 17th, 1777.

The Council met. Present the same members as on yesterday.

Mr. Clayton, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message, to wit:

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"The House of Assembly, being unable to meet yesterday "by the absence of one of their members, could not attend the "Council for the purpose of putting in nomination persons quali- "fied for Delegates to Congress, agreeable to the joint resolution "of both Houses, do therefore propose to meet the Council "forthwith for the purpose aforesaid; and they also propose to "your honorable House that both Houses proceed to the elec- "tion, by joint ballot, at 3 o'clock. P. M.

"Signed by order of the House.

"SAM'L WEST, *Speaker.*

"Dover, 17th December, 1777."

Which being read, the Council agreed to the time of nomination and balloting for Delegates as proposed in the said message.

Ordered, That Mr. Baning wait on the House of Assembly and inform them thereof, and that the Council are now ready to receive the House of Assembly in the Council Room.

Who, being returned, reported that he had delivered the same according to order.

The Council and Assembly being met in the Council Room, to put in nomination persons who are to be balloted for as Delegates to Congress, agreeable to the order of the day, on a motion made that the General Assembly do fix upon the number of Delegates that shall represent the State in Congress the en-

suing year, previous to the putting any person in nomination it is unanimously agreed that three persons shall be chosen for this service.

Then the members proceeded to put in nomination divers persons, whose names being taken down for the consideration of the members of both Houses, the General Assembly adjourned till 3 o'clock in the afternoon.

EODEM DIE, P. M.

The General Assembly met.

Then the members of both Houses proceeded to the ballot, which, being taken down, it appeared that Cæsar Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, had a majority of voices, and are declared duly elected Delegates from this State to Congress for the ensuing year.

Then the members of Assembly withdrew.

The committee to whom the bills directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned, and also the bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, were committed, report it as their opinion that the subject matter of the said two bills hath relation to each other and ought to be formed into one bill; and the committee further report that they essayed the draught of such a bill, by way of amendment to the said two bills, which they submit to the correction of the Council.

On motion and order,

The said bill of amendment was read the first time.

By special order the same was read the second time, and, after some amendments, was agreed to, and ordered to be transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said transcribed bill for their consideration and concurrence.

Mr. Bryan, a member from the House of Assembly, attending, was admitted and delivered to the Chair a "Bill impowering the President or Commander-in-Chief of the Delaware State to draw out of the Loan Office of Kent County the sum of five thousand pounds;" and also the resolutions for borrowing seven hundred and fifty pounds, on the credit of the State, to be put into the hands of Lieutenant Colonel Pope to purchase clothing for the Delaware Regiment, with the amendment proposed by the Council by way of addition to the last resolve, to which the House of Assembly had agreed, and accordingly added a further resolution, setting forth the loan of the aforesaid sum of seven hundred and fifty pounds by Vincent Loockerman, and charging this State with repayment of the same with interest.

Council adjourned till Friday morning, 10 o'clock.

FRIDAY, A. M., December 19th, 1777.

The Council met. Present all the members as on Wednesday, and also Mr. Bassett.

On motion,

The resolutions for borrowing seven hundred and fifty pounds on the credit of the State, and for repaying the same with interest, were read and concurred in, and are as follows, to wit:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"FRIDAY, P. M., December 12th, 1777.

"*Resolved*, That the sum of seven hundred and fifty pounds "be borrowed upon the credit of this State, and that the Vice-

"President sign certificates to the person or persons lending the "same.

"*Resolved*, That this House will devise ways and means for the "repayment to the lender or lenders thereof.

"*Resolved*, That the said sum of seven hundred and fifty "pounds be put into the hands of Lieutenant Colonel Charles "Pope, to enable him to proceed in the purchase of clothing for "the Delaware Regiment aforesaid, and that Colonel Pope be "accountable for the expenditure thereof to the General Assem- "bly, or to the President or Vice-President of the State for the "time being in the vacation of Assembly, in order that the State "may have the said sum refunded by Congress.

"WEDNESDAY, P. M., December 17th, 1777.

"It appearing to the House that Vincent Loockerman, of "Dover, in the County of Kent, on the sixteenth day of Decem- "ber instant, had paid into the hands of the Vice-President of "this State, in pursuance of the joint resolution of both Houses, "made on Saturday last, the sum of seven hundred and fifty "pounds, lawful money, for the use of this State.

"*Resolved*, That this State be chargeable with, and the same "is hereby made chargeable with the said seven hundred and "fifty pounds, to be paid to the said Vincent Loockerman, his "executors, administrators, or assigns, at any time within one "year from this date, with interest at the rate of six per cent. per "annum, from the sixteenth day of December, instant, until the "same be repaid.

"*Ordered*, That Mr. Bryan wait on the Council with the reso- "lutions for the borrowing seven hundred and fifty pounds, upon "the credit of the State, and putting the same into the hands of "Lieutenant Colonel Pope to purchase clothing for the Delaware "Regiment, and inform them that this House has acceded to the "amendment proposed thereto, and that he deliver a copy of the "last resolution for their consideration and concurrence."

On motion and order,

The bill empowering the President or Commander-in-Chief to draw out of the Loan Office of Kent County the sum of five thousand pounds, was read the first time.

By special order the same was read a second time, and thereupon committed to Messrs. Bassett and Vandyke to report thereon.

The committee report divers amendments as necessary to the said bill, which, being read, were severally agreed to.

Ordered, That the said bill, with the amendments, be sent to the House of Assembly for their consideration and concurrence.

Colonel Jones is appointed for this purpose, and also to return the resolutions for the borrowing of seven hundred and fifty pounds, on the credit of the State, and for the repaying the same, with the concurrence of the Council thereto.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

On motion and order,

That a certificate of the appointment of the Delegates to the Congress, as chosen on Wednesday, the 17th inst., in the General Assembly, expressing the powers they are to be invested with, be drawn up and sent to the House of Assembly for their concurrence, which, being done and transcribed, was, by order, read and agreed to, as follows, to wit:

WHEREAS Cæsar Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, have been chosen, by joint ballot of the two Houses of Assembly, to represent the Delaware State in the Continental Congress,

Resolved, That they, or any one or more of them, are hereby fully authorized and empowered, for and in behalf of this State, to concert, agree to, and execute any measure which they or he, together with a majority of the Continental Congress, shall judge

necessary for the defence, security, interest, and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Mr. Hyatt is ordered to deliver the same to the House of Assembly for their concurrence.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill for defraying the expenses of the General Assembly," which, by order, was read the first time.

By special order the same was read a second time, and, upon the vote, postponed.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the certificate of the appointment of the Delegates to the Congress, as chosen on Wednesday, the 17th instant, in the General Assembly, expressing the powers they are to be invested with, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair the following message from the Assembly, to wit:

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"This House having sent to the Council, on Wednesday "last, for their consideration and concurrence, a bill entitled 'An "act empowering the President, Vice-President, or Commander-"in-Chief, to draw out of the Loan Office of Kent County the "sum of five thousand pounds, part of the sum emitted by an "act entitled, 'An act for printing and emitting fifteen thousand "pounds in Bills of Credit of this State, to be let out on loan, "and for striking the further sum of ten thousand pounds in "such bills for the use of this State, and for providing a fund for "sinking the same;'' and the said bill being returned to the "House this day, by a member of Council, with a bill entitled "'A supplement to an act entitled 'An act for printing and

"emitting fifteen thousand pounds in Bills of Credit of this State, "to be let out on loan, and for striking the further sum of ten "thousand pounds in such bills, for the use of this State, and for "providing a fund for sinking the same,'" which, by a verbal "message, was said to be an amendment to the first mentioned "bill; this being contrary to the mode of proceeding used in "such cases by both Houses (it having been usual heretofore, as "this House conceives, to point out amendments particularly in "writing,) the House of Assembly desire to know, by a written "message, whether the said supplementary bill was intended as "amendatory of the said first mentioned bill or not.

"Dover, Dec. 19, 1777."

And the same being taken into consideration, an answer was drawn up at the table, and ordered to be transcribed and signed by the Speaker, and is as follows, to wit:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE ASSEMBLY.

Gentlemen:

The Council, when they sent the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,'" intended the same as an amendment to the bill sent from the House of Assembly entitled "An act empowering the President, Vice-President, or Commander-in-Chief to draw out of the Loan Office of Kent County the sum of five thousand pounds, part of the sum emitted by an act entitled 'An act for printing and emiting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills, for the use of this State, and for providing a fund for sinking the same,'" as appears by the verbal message delivered by the member of the Council who returned the original bill, together with the amendment. The Council were induced to this proceeding, (tho' not strictly regular,) merely for the saving of time. From the notice sent by your House, on Monday last, of their intention to adjourn, and the conference of the committees thereon, the Council apprehended that some of the usual forms of proceeding must be dispensed

with, or otherwise much of the business before both Houses would be left unfinished; however, we do not mean or wish to establish it as a precedent, and if the House of Assembly shall think it necessary to return the two bills thus sent, the Council will proceed on the bill from your House in the usual mode.

Ordered, That Mr. Bassett deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly, attending, was admitted and returned the bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, with an amendment, which, being agreed to, was made therein.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill and inform them that the Council acceded to the amendment proposed.

Mr. Vandyke returned and reported that he delivered the bill and message according to order.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolution, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, December 19th, 1777.

"The House resumed the consideration of one of the resolu-"tions of Council of the 29th of October, referred to in a message "from the Council of the 10th instant, which has not been acted "upon by this House, and is as follows, to wit:

"That a committee of three persons be appointed to receive, "examine, and adjust the accounts of expenses which have ac-"crued and become due to the Militia of the Counties of New "Castle and Kent for former service, viz: Robert Bryan, Robert "Armstrong, and Thomas Montgomery, gentlemen; and also

"that a committee of three persons, viz: John Jones, John Rod-
"ney, and John Clowes, gentlemen, be appointed in the County
"of Sussex, to receive, examine, and adjust the accounts of ex-
"penses which have accrued and become due to the Militia of
"said County for former service, and make report thereof to the
"President, who is to pay the same accordingly.

"And thereupon

"*Resolved*, That this House concur in the said resolution.

"*Ordered*, That the above be transcribed, and that Mr. Crag-
"head wait on the Council and deliver the same.

Ordered also, That Mr. Craghead inform the Council that this
"House intends, to-morrow, in the afternoon, to adjourn to some
"future day."

Which, by order, was read the first time.

The memorial of Ephraim Blaine, Deputy Commissary General of Purchase for the Continental Army, was read the first time and ordered to be delivered to the Assembly for their perusal. Col. Jones is appointed for this purpose, who, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, A. M., December 20th, 1777.

The Council met. Present the same members as on yesterday.

On motion,

The resolution of Council of the 29th of October, with the concurrence of the House of Assembly, delivered the last evening, was read, and, upon consideration, the following message

was drawn up at the table and agreed to be sent to the House of Assembly, to wit:

Gentlemen:

We received a resolution by member of your House last evening concuring in a resolution of the 29th of October last, for the appointment of two several committees for adjusting the accounts due to the Militia of the State for former service, and referred to, among other things, in our message to you of the 10th instant, but without any alteration in the form of that part of the resolution respecting the report to be made by these committees. When the Council adopted this resolution, it was a doubt with them whether your House could or would have been formed in the course of the year, and therefore extremly uncertain when a General Assembly would meet; but this being obviated, this Council took an early opportunity to lay the whole before you, wishing you to make further provision and supply the irregularity of a proceeding adopted from necessity. But as the House of Assembly have not done more than return a general concurrence, the Council beg leave to recommend to the Assembly a reconsideration of that resolution, and submit whether it is not necessary to direct the report to be made to the General Assembly, in order the allowances therein may receive such approbation as is usual in such cases, and that it may be a voucher in the State's account against Congress, without which sanction, we doubt, it will not be considered a proper voucher. The demand of the State will be considerable, and a risque of this sort should be avoided while in our power. We beg leave, also, to remind you that you have not acted upon all the resolutions of the 29th of October last. A material one is omitted, to wit: that which recommends it to the President to draw for the balance of the ten thousand pounds emitted for the support of the State and apply the same to discharge the debts to be ascertained by the committees aforesaid.

Ordered, That Mr. Baning deliver the same.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion,

Resolved, That Messrs. Cæsar Rodney, James Sykes, and Eleazar M. Coombs be a committee to state an account of the monies advanced by the State, or on the credit thereof, for recruiting the Delaware Battalion in the two last campaigns, and of the expenditures of the same; and also to state an account of expenditures by this State for and in behalf of the United States, and that the said committee be empowered to send for persons, papers and things.

On motion,

Resolved, That the Prothonotary of the Court of Common Pleas for Kent County do deliver the ancient Seal of the said County, dated '83, used in his office, unto the Vice-President or Commander-in-Chief of the State, the same seal being established as the Great Seal of this State, until a new one is made and delivered to the Commander-in-Chief, and then it is ordered that the seal aforesaid be redelivered to the Prothonotary.

Which, by order, was read the first time, and agreed to be sent to the House of Assembly for their concurrence.

Ordered, That Col. Collins deliver the said resolutions to the House of Assembly for concurrence.

Who, being returned, reported that he had delivered the same according to order.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and returned to the Council "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,'" with the concurrence of the House of Assembly thereto.

WHEREAS the two months limited for the service of the 600 Militia ordered to be raised by a resolution of the Council of the 29th October last, for the protection and defence of the State, is near expiring, and the present situation of the public affairs in the State requires that a standing body of the Militia be kept up; therefore

Resolved, That the like number of Militia be continued in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, and that they be furnished in the same proportion as by the said resolution of the 29th of October last is directed.

Ordered, That Mr. Vandyke deliver the same to the House of Assembly for their concurrence.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending, was admitted, and returned to the Chair the resolution of the Council for the appointment of Cæsar Rodney, James Sykes, and Eleazar McCombs, to be a committee to state an account of the monies advanced by this State, or on the credit thereof, for recruiting the Delaware Battalion in the two last campaigns, and of the expenditures of the same, and of the expenditures of this State in behalf of the United States. Also the resolution of Council for the delivery of the ancient Seal of Kent County to the Vice-President. And also the resolution of Council for continuing 600 Militia in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, with the concurrence of the House of Assembly to each of the said resolutions.

The bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle," and the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,' " being severally examined and compared, the Council agree that the same be enacted into laws.

Ordered, That Mr. Bassett return the same to the House of Assembly, to be signed by their Speaker.

Mr. Lockwood, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolves, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., December 20, 1777.

"The House resumed the consideration of the message sent from Council this afternoon, and thereupon

"*Resolved*, That a committee of three persons be appointed to "receive, examine, and adjust the accounts of expenses which "have accrued and become due to the Militia of the Counties of "New Castle and Kent for former service, viz: Robert Bryan, "Robert Armstrong, and Thomas Montgomery, gentlemen; and "also that a committee of three persons, viz: John Jones, John "Clowes, and John Rodney, gentlemen, be appointed in the "County of Sussex, to receive, examine, and adjust the accounts "of expenses which have accrued and become due to the Militia "of said County for former service, and make report thereof to "the General Assembly of Delaware at their next meeting.

"*Resolved*, That the Vice-President or Commander-in-Chief "be empowered to draw for and apply the balance of ten thou-"sand pounds, emitted for the support of this State by an act "entitled 'An act for printing and emitting fifteen thousand "pounds in Bills of Credit of this State, to be let out on loan, "and for striking the further sum of ten thousand pounds in such "bills for the use of this State, and for providing a fund for sink-"ing the same,' towards the discharge of the debts due to the "Militia heretofore called out."

Which, by order, was read the first time.

The same, by special order, was read the second time and concurred in.

Ordered, That Mr. Baning return the same to the House of Assembly with the concurrence of Council thereto.

Who, being returned, reported that he had delivered the same according to order.

Dr. Molleston, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle;" also the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'" and also the "Bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," signed by the Speaker of the House of Assembly.

Ordered, That the said bills be signed by the Speaker of the Council, which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit:

1. "An act to remedy the loss of divers Public Seals of Office in the County of New Castle;"

2. "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'"

3. "An act directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns;"

Passed this session.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following report, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., December 20th, 1777.

"The House resolved itself into a Grand Committee to consider of certain accounts brought in for the service of the State, "and after some time spent therein the Chairman of the Committee reported that they had allowed the following accounts, "to wit:

	£	s	d
"To the Honorable Thomas McKean, Esquire, .	90	0	11½
"To James Sykes, Esq., for signing paper money "and expenses in attending Congress, ...	55	1	9
"To Richard Lockwood and John Clarke, Es- "quires, each £16, for signing paper money, .	32	0	0
"To Philip Barratt, Esq., Sheriff of Kent County, "for public services, ...	29	0	0
"To Thomas Wild, Goaler of Kent County, . .	6	10	3
"To James Booth, as Secretary and Clerk of As- "sembly, for former services, &c., ...	42	4	6
	£254	17	5½

Which said report was agreed to by the House of Assembly and sent to the Council for concurrence, and returned with the concurrence of Council thereto.

Ordered, That Mr. Bassett deliver to the House of Assembly the several laws passed this session, signed by the Speaker of the Council, together with a resolve of Council for affixing the Great Seal to the said laws.

Who, being returned, reported that he had delivered the same according to law.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolve, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., December 20, 1777.

"On motion,

"*Resolved*, That the Vice President and Commander-in-Chief "be empowered to draw on the Trustees of the Loan Offices of

"this State for the several sums agreed by the General Assembly "to be due to the following persons, out of the interest monies "in the said offices, viz :

	£	s	d
"To the Honorable Thomas McKean, Esquire, .	90	0	11½
"To James Sykes, Esquire, ...	55	1	9
"To Richard Lockwood and John Clarke, Esq'rs, "£16 each, ...	32	0	0
"To Philip Barratt, Esquire, ...	29	0	0
"To Thomas Wild, ...	6	10	3
"To James Booth, Esquire, ...	42	4	6

Which said resolve was agreed to by the House of Assembly and sent to the Council for concurrence, and returned with the concurrence of Council thereto.

Then the Council proceeded to the settlement of the per diem, wages and mileage of the members, and the accounts of their officers for the present meeting, and the following allowances were made, viz :

	£	s	d
To George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt, Thomas Collins, John Baning, Richard Bassett, and John Jones, Esq'rs, for for 21 days' attendance and mileage, . . .	100	11	4
To Mr. Benjamin Vining, Clerk, ...	11	19	6
To Nathaniel Smithers, Jun., Doorkeeper, ...	4	0	0
To Mr. French Battell, for fire, candles, &c., . . .	15	0	0
To Mr. French Battell, for sundry expenses of the Council, ...	150	18	3
	£282	9	1

Ordered, That the Speaker draw orders on the Trustees of the Loan Offices of Kent and Sussex for the payment of the several sums aforesaid.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned to the first Monday in March next.

MINUTES OF COUNCIL.

FEBRUARY, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, FEBRUARY, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the Vice-President, on Tuesday, the seventeenth day of February, Anno Domini 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Thursday, February 19th, 1778.

THURSDAY, February 19th, 1778.

The Council met, but a quorum of the House of Assembly not attending, the Council adjourned from day to day till Saturday, February 21st, 1778.

SATURDAY, February 21st, 1778.

The Council met.

The following members appeared in the Council, viz:

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

For Kent County—Richard Bassett, John Baning, Thomas Collins.

For Sussex County—Col. John Jones.

A message from the Vice-President to the General Assembly, respecting the raising of the Militia for reinforcing General Smallwood, at Wilmington, in compliance with the requisition of his Excellency General Washington of the 19th of December last, in order to prevent any attempt of the enemy to get possession of that port, and the neglect of the Militia to obey the orders for their march owing to the deficiency of the law; and also respecting the recruiting of the Delaware Battalion, either by drafting or otherwise, agreeable to a further requisition of his Excellency General Washington, contained in his letter of the 19th of January last, together with copies of the said letters, was delivered at the table,

And, on motion and order, the same were read.

Mr. Bryan, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following order of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, February 21st, 1778.

"The House took into consideration that part of the message "from his Honor the Vice-President, recommending measures "to be taken for the completion of the Delaware Regiment, and "thereupon

"*Ordered*, That Mr. Bryan wait on the Council and propose to "them the appointment of a committee of their body to join with "a committee of this House to consider of the best methods for "the speedy completing of the said regiment, who may severally "report thereon."

Which, by order, was read and agreed to, and Messrs. Collins, Vandyke, and Jones are appointed on the part of the Council a committee of conference on the business aforesaid.

Ordered, That Mr. Bassett wait on the House of Assembly with this resolution of concurrence and appointment.

Who, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to enable the Sheriff of the County of Sussex to hold an election in said county to elect members of the General Assembly, Sheriffs and Coroners for the said county for the ensuing year," with amendments thereto, which, by order, were read and agreed to, and the amendments were accordingly made in the bill.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them that the Council had acceded to their proposed amendments in the bill aforesaid.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

Ordered, That the said bill be engrossed.

Upon the question, it is

Resolved, That the seat of Daniel Dingee in the Council became vacant on the first day of October last, and the member of Council to be chosen under the bill now passed for holding an election in the County of Sussex is to supply that vacancy.

It appearing to the Council that Samuel Shelton Sloss, a member of this House, died lately, on motion

Ordered, That the Speaker issue a writ to the Sheriff of Sussex County, directing him to hold an election on the second day of March next for the choosing a new member to supply the vacancy occasioned by the death of Mr. Sloss.

The bill for the holding an election in Sussex County, being engrossed, was read and compared and passed the Council.

Ordered, That Mr. Jones deliver the same to the House of Assembly for comparison and to be signed by the Speaker of that House.

Mr. Jones, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill for the holding an election in Sussex County, signed by the Speaker of the House of Assembly.

Ordered, That the said bill be signed by the Speaker of the Council, which was done accordingly.

On motion,

Resolved, That the Vice-President and Commander-in-Chief affix the Great Seal of this State to the act entitled "An act to enable the Sheriff of the County of Sussex to hold an election in said county to elect members of the General Assembly, Sheriff, and Coroners for the said county for the ensuing year."

Adjourned till Monday morning, 10 o'clock.

MONDAY, February 23d, 1778.

The Council met. Some of the members attending the committee, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, February 24th, 1778.

The Council met. Present the same members as on yesterday, except Col. Jones.

The committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of completing the Delaware Regiment, now delivered their report at the table, which, by order, was read the first time.

Dr. Ridgely, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair certain resolutions founded on the report of the committee of conference for completing the Delaware Regiment, which, by order, were read the first time.

By special order the same were read a second time, and divers amendments being proposed and agreed to, were ordered to be transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Hyatt wait on the House of Assembly with the said resolutions and amendments.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 25th, 1778.

The Council met. Present the same members as on yesterday.

Dr. Molleston, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the amendments proposed by the Council to the resolutions of the Assembly for the completing of the Delaware Regiment, some of which the House of Assembly agreed to, and to others they proposed further amendments.

The same member also delivered to the Chair the following notice of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., February 25th, 1778.

"*Ordered*, That Mr. Molleston wait on the Council and inform "them that this House proposes, in the afternoon, to adjourn for "a few days."

The Council took into consideration the amendments proposed by the Assembly to the amendments of the Council, and thereupon

Resolved, That the following message be sent to the House of Assembly, to wit:

Gentlemen:

The Council have taken into consideration the amendments proposed by your House to the amendments offered by the Council to the resolutions, founded on the report of the committee of conferees, for filling the Delaware Regiment, and are of opinion that if adopted they will not answer the end intended by your House, and also apprehend that the reasons for their amendments have not been fully understood or perhaps your House would not have disagreed to some of the amendments at least; and as this business requires dispatch, as well from the nature of it as from the intention of the Assembly to adjourn this afternoon for a few days, the Council propose to the House of Assembly a committee of conference on the subject matter of the several amendments proposed by each House for the more speedy settling of this business, which, if approved of, the Council will immediately name members of their body to attend the conference forthwith.

Ordered, That Mr. Bassett wait on the House of Assembly with the same message.

Who, being returned, reported the delivery thereof.

Mr. Clark, a member from the House of Assembly, attending at the door, was admitted and informed the Chair that that House acceded to the proposed conference, and that Messrs Patterson, Ridgely, Clayton, Armstrong, and Lockwood are appointed by the House of Assembly for that purpose.

And, on motion, Messrs. Bassett, Vandyke, and Baning are appointed conferees on the part of the Council.

Ordered, That Mr. Hyatt inform the House of Assembly of this appointment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Lockwood, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of the House of Assembly, as agreed to and reported by the committee of conference:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 25th, 1778.

"The committee appointed to confer with a committee of "Council on the amendments proposed by each House to the "resolutions for the completing of the Delaware Regiment, re- "ported the following resolutions to be adopted in the place of "the resolutions before mentioned, which were, by order, read "and agreed to by the House, to wit:

"*Resolved, nemine contradicente,* That in order to fill up the "said regiment speedily, which appears to be deficient in number "four hundred and twenty men, rank and file, every officer be "allowed thirty-five dollars for each able-bodied soldier he hath "enlisted since the first day of February instant, or that he may "enlist before the first day of May next, for the term of three "years, or during the war, and who shall pass muster.

"That an additional bounty of forty-five dollars be given to "every soldier so as aforesaid enlisted, or that may be enlisted.

"That the Vice-President be empowered to borrow from Con- "gress, in the name and on the behalf of the State, forty thou- "sand dollars, to carry the business aforesaid into execution, and "this House will devise ways and means for the repayment of "the said sum.

"*Resolved also,* That if the said sum of forty thousand dollars "cannot be obtained from Congress, that the like sum be bor- "rowed from private persons on the credit of the State, and that "the Vice-President sign certificates to the person or persons who "may lend the same, and this House will devise ways and means "for the repayment to the lender or lenders thereof."

Which, by order, were read the first time.

By a special order the same were read a second time and concurred in.

Ordered, That Mr. Hyatt wait on the House of Assembly and inform them that the Council had agreed to the said resolutions.

Mr. Hyatt, being returned, reported that he had done so according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a report from the committee appointed to adjust the accounts of expenses accrued and become due to the Militia of the Counties of New Castle and Kent for former service, examined and approved of by the House of Assembly, together with divers vouchers, for the consideration and concurrence of the Council.

And, on motion, the same report was read and ordered to lie on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., February 26th, 1778.

The Council met.

The Speaker informed the House that he had received, since the rising of the Council on the last evening, a writing, subscribed by the Speaker of the Assembly, by way of notice, that the House of Assembly, on yesterday, had adjourned to Wednesday, the fourth of March next, which, by order, was read and filed.

The Council resumed the report from the Committee of Militia Accounts, and proceeded to the examination thereof with the vouchers, and, after some time spent thereon, ordered to lie over for further examination.

The Council adjourned to the fourth day of March next.

MINUTES OF COUNCIL.

MARCH, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MARCH, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Wednesday, the 4th day of March, Anno Domini, 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Monday, March 9th, 1778.

MONDAY, A. M., March 9th, 1778.

The Council met.

The following members appeared in the Council, viz :

For New Castle County—George Read (*Speaker*), Peter Hyatt.

For Kent County—John Baning.

For Sussex County—Col. John Jones, William Conwell.

The return of the Sheriff and Inspectors for the County of Sussex of the election of two Councillors to fill the vacant seats

of Daniel Dingee, Esq., whose seat became vacant on the first day of October last by rotation, and of Samuel Shelton Sloss, Esquire, who lately died, being delivered at the table, it appears that John Clowes, Esq., was elected a member of the Council for the County of Sussex, in the room of Daniel Dingee, under the act of Assembly passed at this session; and that William Conwell, gentleman, was elected a member of the Council for the said County of Sussex, in the room of Samuel Shelton Sloss, in pursuance of a special writ issued by the Speaker of the Council.

Mr. Conwell appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of the State, and then took his seat in the Council. [*See note on page 10.*]

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., March 10th, 1778.

The Council met. Present the same members as on yesterday.

A message from the Vice-President to the General Assembly, respecting the reinforcing General Washington with 500 Militia, together with divers resolutions of Congress recommending the taking into consideration the Plan of Confederacy for the United States; the raising the State's quota of five millions of dollars in the current year by tax on the inhabitants of the State; the regulating the price of labor, manufactures, internal produce, and commodities imported from foreign parts, and the future supply of clothing for the battalion belonging to the State, was delivered at the table, and, by order, read the first time.

The Speaker laid before the Council certain resolutions of Congress recommending more effectual provision to be made for the detecting and punishing of deserters in the several States, and a letter from General Washington, representing the necessity of an adequate remedy for this evil; and the Council, taking into consideration the "Act against desertion and harbouring deserters,

or dealing with them in certain cases," are of opinion that the penalties therein are too low, and thereupon

Resolved, That a committee of three be appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them.

And, on motion,

Messrs. Jones, Baning, and Conwell are appointed a committee for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., March 11th, 1778.

The Council met.

Mr. Collins appeared in the Council and took his seat. Some of the members attending the Committee, the Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., March 12th, 1778.

The Council met. Present the same members as on Tuesday.

Mr. Vandyke appeared and took his seat in Council.

The committee appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them, now delivered one at the table, which, by order, was read the first time.

On motion, by special order,

The same was read a second time, and, sundry amendments

being proposed and agreed to, the same passed the Council, and ordered that the said bill be transcribed and sent to the House of Assembly for their consideration and concurrence.

Mr. Baning is appointed for this purpose, who, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., March 13th, 1778.

The Council met. Present the same members as on yesterday.

General Patterson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolve, to wit:

"IN THE HOUSE OF ASSEMBLY,
FRIDAY, A. M., March 13th, 1778.

"*Resolved*, That a committee be appointed to confer with a "committee of Council on the subject matter of a resolution of "Congress of the 22d of November last, recommending to the "Legislatures, or, in their recess, to the Executive authority of "the respective States, to cause subscriptions to be opened for "the loan of monies to be invested in certificates from the respective Continental Loan Offices."

Which, by order, was read and agreed to, and Messrs. Vandyke and Jones are appointed the conferees on the part of the Council to join a like committee to be appointed by the House of Assembly on the subject matter of the resolutions of Congress aforesaid.

Ordered, That Mr. Hyatt wait on the House of Assembly with the said resolutions with the concurrence and appointment of the Council.

Who, being returned, reported that he had delivered the same according to order.

The Council took into consideration the resolutions of Congress respecting the regulating of the price of labor, manufactures, internal produce, and commodities imported from foreign parts, and thereupon

Resolved, That a committee of three be appointed to prepare and bring in a bill for the purposes in the said resolutions mentioned.

And, on motion, Messrs. Vandyke, Collins, and Hyatt are appointed a committee for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., March 14th, 1778.

The Council met. Present the same members as on yesterday.

On motion of Mr. Conwell for leave of absence till Monday next, the same is granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., March 16th, 1778.

Council met and adjourned till Tuesday morning, 10 o'clock.

TUESDAY, A. M., March 17th, 1778.

The Council met.

Mr. Clowes, a member of the Council for Sussex County, appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

Mr. Peery, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill for the further and more effectual detecting of deserters and punishing the harbourers of them, with some amendments, to which the Council agreed.

Ordered, That the said bill be engrossed, and that Mr. Bassett inform the House of Assembly that the Council have acceded to the proposed amendments.

Mr. Bassett, being returned, reported that he had so done according to order.

The Council took into consideration the resolve of Congress of September 3d last, recommending to the several States to take effectual measures for importing or otherwise procuring, during the ensuing winter, such supplies of arms, tents, or other military stores, blankets, clothing, medicines, and other necessary articles for their respective Militia, as may be wanted for the next campaign, and that they report to Congress the species and quantity of military stores manufactured in their respective States; and thereupon

Resolved, That a committee of three be appointed to take the said recommendation of Congress into consideration and report thereon.

On motion, Messrs. Clowes, Bassett, and Jones are appointed a committee for the purpose.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., March 18th, 1778.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill for regulating the price of labor, manufactures, internal produce, and commodities imported from foreign parts, now delivered one at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., March 19th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Hyatt.

A message from the Vice-President to the General Assembly, with the copy of a written paper, subscribed by the Representatives from the County of Sussex, addressed to the Vice-President, was delivered at the table, and, by order, read.

On motion

Resolved, That that part of the said message which relates to the application made to him for his orders to Brigadier Dagworthy, for the disarming of the disaffected in Sussex County and the taking up some of the principals, together with the copy of the written paper, be referred to a committee of three.

The persons appointed are Messrs. Vandyke, Collins, and Bassett.

The bill against desertion, being engrossed, was read and compared and passed the Council.

Ordered, That Mr. Baning deliver the same to the House of Assembly for comparison and to be signed by the Speaker of that House.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., March 20th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Baning now reported that he had delivered the bill against desertion to the House of Assembly according to the order of yesterday.

The committee to whom part of the message from the Vice-President of yesterday was referred now delivered their report at the table, which, by order, was read the first time.

By special order the same was read a second time, and, on consideration and debate, the same was rejected, and the following resolutions were agreed to, that is to say:

Resolved, That the Council is fully convinced that some of the disaffected inhabitants of the County of Sussex have taken up arms, much to the terror of the good people of said county and the encouragement of the British forces to land and make excursions there; therefore

Resolved, That it is the opinion of this Council that, for the restoring peace and harmony in said county, the President of this State issue his orders immediately to General Dagworthy to disarm and take the ammunition from all the disaffected inhabitants of the said County of Sussex.

WHEREAS it has been represented that the recruiting officers have committed great abuses in the said County of Sussex,

Resolved, That the Justices of the Peace be directed to inquire into the foundation of the said complaints, and prevent such conduct in future.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing resolutions for their consideration and concurrence.

Mr. Clowes, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., March 21st, 1778.

The Council met. Present the same members as on yesterday.

The Council adjourned to the 25th of this instant, March.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Wednesday, the 25th day of March, Anno Domini 1778, a quorum of the House of Assembly not attending, the Council adjourned from day to day till Friday, March 27th, 1778.

FRIDAY, A. M., March 27th, 1778.

The Council met.

The following members appeared in the Council, viz :

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

For Kent County—Richard Bassett, Thomas Collins, John Baning.

For Sussex County—John Jones, John Clowes.

General Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act for the further security of the Government," for the consideration and concurrence of the Council, which, by order, was read the first time.

The Council resumed the consideration of the report of the committee for adjusting the accounts of the Militia of New Castle and Kent Counties for past service, and several amendments were proposed and agreed to.

On motion,

Ordered, That a committee be appointed to draw up those amendments and draught a message to the House of Assembly, assigning the reasons for making the same.

And thereupon Messrs. Bassett and Clowes are appointed for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., March 28th, 1778.

The Council met. Present the same members as on yesterday.

The committee appointed to draw up the amendments as proposed in the Council to the report of the committee for adjusting the accounts of the Militia for New Castle and Kent Counties for past services, and also to draught a message to the House of Assembly assigning the reasons for making the same, now delivered their report, which, by order, was read the first time.

By special order the same was read the second time, and several amendments were proposed and agreed to. The said message and amendments are as follows, to wit:

1. In the general account for New Castle County, No. 1 and line 4 from the top, dele the words [bounty in Jerseys,] and insert instead thereof [pay and retained rations in September, 1777.]

2. After the charge, in same account, by Capt. William Robinson, No. 3, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £72 : 10 : 0.]

3. After the charge, in same account, by William Woodland, No. 14, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £10 : 0 : 0.]

4. After the charge, in same account, by Leonard Vandegrift, No. 20, insert [of which, it appears by his account, that he received of Captain Peter Hyatt £3 : 0 : 0.]

5. In the same account, under the head Col's Cantwell's Battalion, No. 4, Captain William Moody's Pay-roll, £158 : 10 : 10, deduct 35s., a charge of three weeks' service of John Moaris.

6. In the general account for Kent County, No. 1 and line 2d from the top, dele the words and figures [Charles Eustace, for medicines for said troop, £20.]

The said message follows in these words, viz:

Gentlemen:

The reasons inducing the Council to propose to your honora-

ble House the amendments to the report of the committee for adjusting the accounts of the Militia of New Castle and Kent Counties for past services, herewith sent, are as follow, to wit :

As to the first amendment, for that the charge, as stated in the general account, is not warranted by the voucher, it being for pay and retained rations, instead of a bounty in Jerseys.

As to the second amendment, the Council conceive it necessary to show upon the face of the general account the sum that the party charging hath already received ; otherwise he may receive a certificate from the President for the whole sum there carried out, which will entitle him to the payment thereof, therefore he will be in part paid twice for the same service.

As to the third and fourth amendments, the same reasons as in the second.

As to the fifth amendment, it appears by the information of one of the field officers of that battalion, Major Vandyke, that the charge of 35s. made for John Mearis, in Captain Moody's account, for three weeks' service, is wrong, and ought not to be allowed, he never having performed any such service.

As to the sixth amendment, it appears that the same charge is made and allowed in Captain Carty's account, therefore ought not to be separately made by Doctor Charles Eustace.

Ordered, That the same be transcribed, and that the message be signed by the Speaker.

Ordered, That Mr. Hyatt deliver the same, with the amendments and Militia accounts, to the House of Assembly.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., March 30th, 1778.

The Council met. Present the same members as on Saturday.

General Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the report of the Committee for Militia Accounts in Sussex County, agreed to by the House of Assembly and sent for concurrence.

On motion,

Ordered, That the said report and accounts be referred to a committee of three to report thereon.

Messrs. Baning, Hyatt, and Bassett are appointed a committee for this purpose.

Doctor Ridgely, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following order of that House to wit:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, March 30, 1778.

"*Ordered*, That Mr. Ridgely inform the Council that the following persons have been appointed conferees, on the part of "this House, for the purposes declared in a resolution of both "Houses of the 13th instant, viz: Ridgely, Craghead, and Kollock."

Which was read and approved of.

The same member also delivered to the Chair the following resolution of that House, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, March 30th, 1778.

"WHEREAS his Excellency John McKinly, Esq., our worthy "President, taken by the enemy in September last, still remains "a prisoner, with little prospect of exchange shortly, and the "Speaker of the Council, who acts as Vice-President, requesting "to be relieved from the duties of that office, as alone sufficient

"to employ the whole time and attention of any individual of the "State; therefore

"*Resolved*, That the place of President of the State be im- "mediately supplied by the nomination and appointment of the "General Assembly.

"*Ordered*, That Mr. Ridgely wait on the Council with the "foregoing resolution for their concurrence, and inform them "that, if assented to, the House of Assembly will meet the "Council to put in nomination such persons who may be voted "for as President at a subsequent meeting of both Houses, "agreeable to the mode heretofore adopted and used."

Which, by order, was read the first time.

By special order the same was read the second time and concurred in.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing resolution, concurred in by the Council, and inform them that the Council will meet the House of Assembly, in the Assembly Room, to-morrow morning, at 10 o'clock, to put in nomination persons who may be voted for as President.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., March 31st, 1778.

The Council met. Present the same members as on yesterday.

Mr. Conwell appeared and took his seat in the Council.

Mr. Clowes, who was appointed to wait on the House of Assembly with their resolution to put in nomination persons for the place of President of this State, as concurred in by the Council, now reported the delivery thereof according to the order of yesterday.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following notice of that House, to wit :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., March 31st, 1778.

"*Ordered*, That Mr. Peery wait on the Council and inform "them that this House is now ready to receive them and proceed "to the nomination aforesaid."

The Council proceeded to the Assembly Room, and there met the House of Assembly, when several persons were put in nomination for the office of President and their names taken down for the consideration of the members of both Houses.

Resolved, That the General Assembly meet in the Assembly Room, to ballot for a President of the State, at 3 o'clock this afternoon.

The Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met the House of Assembly in the Assembly Room and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: eight of the Council and sixteen of the House of Assembly, then present, having prepared tickets, with the name of the President to be appointed, and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that twenty votes, out of twenty-four, were in favor of the Honorable Cæsar Rodney, Esquire.

Whereupon the said Cæsar Rodney, Esquire, is declared duly elected President of this State for the term of three years next

ensuing and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

On motion,

Resolved, That the Speaker of the Council nominate five members of the General Assembly to wait on the Honorable Cæsar Rodney, Esquire, and inform him of his election and appointment to the office of President of this State, and know whether he will accept the said office, and make report thereof to the General Assembly.

And thereupon Messrs. Vandyke, Clowes, Ridgely, Patterson, and Bryan are appointed for this purpose.

Then the General Assembly adjourned till to-morrow morning at 10 o'clock, to receive the report of the said committee.

The Council adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., April 1st, 1778.

The Council met. Present the same members as on yesterday.

Then the Council met the House of Assembly in the Assembly Room in order to receive the report of the committee appointed yesterday.

The committee delivered at the table General Rodney's answer, in writing, which was read, and follows in these words, viz:

"*Gentlemen of the General Assembly:*

"I received, yesterday afternoon, your message declaring "me duly elected President of the Delaware State, and am fully "sensible of the honor done me by the appointment; but, as I "am too conscious of my own inability to suppose your expec- "tation will be answered by my acceptance, I hope I shall be "excused. I think, nevertheless, that at a time like this it is the

"duty of every member of society to take such part in the civil "line as shall be assigned him by government, if tolerably quali- "fied; therefore, if the General Assembly cannot fix upon some "other person more equal to that important duty, I shall, tho' "with the greatest diffidence, accept—in full confidence, however, "that your honors will afford me every necessary aid in the due "execution of the laws and otherwise supporting the civil gov- "ernment as now established under the authority of the people; "and as the provision made for the President is by no means an "ample one, that the General Assembly would not wish to add "to the sacrifice I have already made by much more than ought "to fall to the share of any one member of the community.

"CÆSAR RODNEY.

"Dover, April 1st, 1778."

Ordered, That a certificate of the appointment of General Rodney to the office of President of this State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to General Rodney.

Ordered also, That the same committee wait on Mr. President Rodney with the said certificate, and inform him that the General Assembly will take into their consideration that part of his answer respecting a further provision to be made for the President of the State than that which is already made by the laws of the State.

The committee report that they had delivered the aforesaid certificate to Mr. President Rodney, which he accepted, according to order.

Then the General Assembly adjourned till 3 o'clock in the afternoon, and the Council withdrew.

The Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, on motion, the bill for the further security of the Government was read a second time and ordered to lie over till to-morrow morning.

On motion, the bill for regulating and limiting the prices of sundry articles of produce, &c., was read a 2d time and ordered to be recommitted to the same committee.

The Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 2d, 1778.

The Council met. Present the same members as on yesterday.

On motion,

Resolved, That the Speaker of the Council be authorized to administer as well the oath of allegiance and declaration of faith as the oath of office to the Honorable Cæsar Rodney, Esquire, now appointed President of this State, as directed by the 22d section of the system of government, and that the same be certified into the Secretary's office.

Resolved also, That the oath of office be in the form following, to wit:

I, Cæsar Rodney, do swear that I will well and truly, according to the best of my abilities and judgment, execute the office of President of the Delaware State, agreeable to the Laws and Constitution thereof, so help me God.

Which, by order, was read.

Ordered, That Mr. Baning wait on the House of Assembly with the foregoing resolutions for their consideration and concurrence.

Mr. Baning, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and resumed the consideration of the bill for the further security of the Government, which, by order of yesterday, was postponed till to-day, and, after some time spent therein, ordered to lie over for further consideration.

Mr. Black, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the aforesaid resolutions of the Council, with the concurrence of the House of Assembly thereto.

The Speaker of the Council then waited on the President, and, being returned, reported to the General Assembly that he had administered as well the oath of allegiance and declaration of faith as the oath of office to his Excellency Cæsar Rodney, Esq., President of the Delaware State, in pursuance of certain resolutions of the General Assembly of this day.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 3d, 1778.

The Council met. Present the same members as on yesterday.

Mr. Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House, to wit:

"IN ASSEMBLY, THURSDAY, April 2d, 1778.

"WHEREAS the late Judge of the Admiralty is appointed "President of this State, whereby the former office is become "vacant; therefore

"*Resolved*, That the place of Judge of the Admiralty be im- "mediately supplied by the nomination and appointment of the "General Assembly.

"*Ordered*, That Mr. Patterson wait on the Council with the "foregoing resolution for their concurrence, and inform them "that, if assented to, the Assembly will meet the Council to- "morrow morning at 10 o'clock, to put in nomination such "persons who may be voted for as Judge of the Admiralty at "a subsequent meeting of both Houses, agreeable to the mode "heretofore adopted and used."

Which, by order, was read and concurred in.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing resolution, and inform them that the Council are ready to receive them in the Council Room and proceed in the nomination aforesaid.

Mr. Clowes, being returned, reported the delivery of the same according to order.

The Doorkeeper informed the Chair that the House of Assembly attended at the door and desired to be admitted, and they were admitted.

The Council and Assembly being met in the Council Room to put in nomination persons to be voted for as Judge of the

Admiralty of this State, agreeable to the order of the day, on motion,

Resolved, That a committee of five be appointed to wait on his Excellency, the President, and inform him that the General Assembly are now sitting for the purpose of putting in nomination persons to be voted for as Judge of the Admiralty, and know whether his Excellency would choose to attend that nomination.

Messrs. Jones, Hyatt, Craghead, Peery, and Hall are appointed for this purpose; who, being returned, reported that his Excellency said he would wait on the General Assembly immediately.

The President attended in the General Assembly.

Then the members proceeded to put in nomination divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion, agreed that the General Assembly now separate and meet at 3 o'clock this afternoon for the purpose of balloting for a Judge of the Admiralty out of the persons put in nomination in the morning.

Mr. Baning, a member of the Council, delivered to the Chair a message from the President to the Legislative Council, which follows in these words, viz:

"*Gentlemen of the Legislative Council:*

"Complaint is just now made to me, as Commander-in-Chief "of this State, by Thomas White, Esquire, who says a Conti- "nental officer, in virtue of an order or resolution of Congress, "has taken him into custody, and, as he believes, with a design "to carry him out of the State. He says, further, that he is "ready and willing to answer to any charge alleged against "him, but thinks he ought to be charged within the State, &c.

"As the General Assembly is now sitting, I have thought "proper to lay this complaint before the honorable the Council "for their direction. I have also made the House of Assembly "acquainted with it.

"CÆSAR RODNEY.

"April 3d, 1778."

Which, by order, was read.

The Council, taking the said message into consideration,

Resolved, That the same be referred to a committee of both Houses, who may report severally thereon; and that the House of Assembly be requested to appoint a committee of their House to confer with a committee of Council on the subject matter of the said message this afternoon.

Resolved, That the President be informed of the foregoing resolution, and that it is the opinion of the Council that he issue his orders to the officer or officers in whose custody Mr. White is, that he or they do not remove him from the Town of Dover until the President shall give further order therein.

Ordered, That Mr. Baning wait on the House of Assembly, and also on the President, with a copy of the foregoing resolutions.

Mr. Baning, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Hyatt wait on the House of Assembly and inform them that the Council are sitting and are ready to receive the Assembly, when they shall think fit, in order to proceed in the ballot for a Judge of the Admiralty.

Mr. Hyatt, being returned, reported that he had so done according to order.

Mr. Hall, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolu-

tion of this day respecting the appointment of a committee of both Houses on the subject matter of the President's message, concurred in by the Assembly, who appoint, on the part of that House, Messrs. Craghead, Patterson, and Molleston.

And therefore Messrs. Jones and Vandyke are appointed conferees on the part of the Council, to meet this afternoon.

Mr. Conwell is ordered to inform the House of Assembly of the foregoing appointment; who, being returned, reported that he had so done according to order.

The Doorkeeper informed the Chair that the House of Assembly attended at the door and desired to be admitted, and they were admitted.

The Council and Assembly being met in the Council Room,

On motion,

Resolved, That a committee of five be appointed to wait on his Excellency the President and inform him that the two Houses of Assembly are now sitting for the purpose of balloting for a Judge of the Admiralty and request his attendance.

Messrs. Clowes, Conwell, Lewis, Kollock, and Molleston are appointed for this purpose; who, being returned, reported that the President said that he would attend immediately.

The President attended in the General Assembly, and the ballot being taken down, it appeared that Thomas Rodney, Esquire, was unanimously elected Judge of the Admiralty of this State.

Ordered, That a certificate of the election and appointment of Thomas Rodney, Esquire, to the office of Judge of the Admiralty, be made out and delivered to his Excellency the President, that Mr. Rodney may be commissioned accordingly.

Agreed that the two Houses now separate.

The committee to whom were referred the Militia accounts of Sussex County and the report of the committee for said accounts, now delivered their report at the table, which, by order, was read the first time.

By special order the same was read a second time and ordered to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., April 4th, 1778.

The Council met. Present the same members as on yesterday.

The committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of the President's message of yesterday, now delivered their report at the table, which, by order, was read and ordered to lie over for consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, taking into consideration the report of the conferees on the subject matter of the President's message of yesterday, thereupon

Resolved, That if any person guilty of or charged with treason, felony, or other high misdemeanor, in any State, shall flee from justice and be found within this State, he ought, upon demand of the Governor or Executive power of the State from which such person flees to the President or Executive power of this State, containing the charge, to be delivered up and removed to the State having jurisdiction of the offence.

Resolved, That no inhabitant of this State ought to be taken out of the same to answer to a charge of a fact committed within this State; that in every such case the trial ought to be by a jury of the vicinage where the same arose, and under the laws of the State.

Resolved, That a remonstrance be drawn up by the General Assembly, and transmitted by his Excellency the President, with the said Thomas White, to General Smallwood, claiming the said Thomas White as an inhabitant of this State, and that he be remanded by General Smallwood to the Executive power of this State, together with the charge against him, in order that the same may be heard, tried, and determined on under the laws of this State.

Resolved, That if General Smallwood, in obedience to any order of Congress, should send the said Thomas White thither, that the said remonstrance be sent with him; and that Congress be requested to remand the said Thomas White to the Executive power of this State, together with his offence, in order that the same may be heard, tried and determined on in this State, if the fact he is charged with arose therein.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Hyatt is appointed to deliver the foregoing resolutions to the House of Assembly; who, being returned, reported the delivery thereof according to order.

Mr. Clowes having applied for leave of absence till Monday next, the same is granted to him.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and returned to the Chair the bill against desertion, signed by the Speaker of the House of Assembly.

Ordered, That the said bill be signed by the Speaker of the Council.

Which was accordingly done.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the bill entitled "An act against deser-

tion and harbouring deserters, or dealing with them in certain cases."

Mr. Conwell is appointed to deliver the foregoing resolution to the House of Assembly; who, being returned, reported the delivery thereof according to order.

Mr. Lewis, a member from the House of Assembly, attending, was admitted and returned to the Chair the said resolution with the concurrence of the House of Assembly thereto.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., April 6th, 1778.

The Council met. Present the same members as on Saturday, except Messrs. Collins and Vandyke.

Mr. Patterson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolution of that House, viz:

"IN ASSEMBLY, P. M., April 4th, 1778.

"The House, taking into consideration a message from his "Excellency the President of this State relative to the arrest of "Thomas White, Esquire, by a Continental officer, said to be in "pursuance of a resolve of the honorable Continental Congress,

"*Resolved*, That this House have full confidence in the wisdom "and justice of Congress that they will not infringe the rights and "privileges of this State, and therefore that they will not try the "said Thomas White for any crimes which our laws have cognizance of."

Which, by order, was read and ordered to lie on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of the report of the committee to whom the report of the committee for Militia accounts of Sussex County was referred, and thereupon agreed that the following alteration and amendment be made in the allowance to Lieutenant Colonel Conwell, to wit:

Deduct from £50 : 7 : 6 (the amount of his account), the sum of £7 : 10 : 0, being an overcharge for pay.

Ordered, That Mr. Clowes wait on the House of Assembly with the Militia accounts for Sussex County, and the foregoing amendment, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., April 7th, 1778.

The Council met. Present all the members.

Mr. Clowes now reported the delivery of the Militia accounts and the foregoing amendment, according to the order of yesterday.

The Council resumed the consideration of the bill for the further security of the Government, and after some time spent therein the same was ordered to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, April 8th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 9th, 1778.

The Council met. Present all the members.

The Council again resumed the consideration of the bill for the further security of the Government, and several amendments being proposed and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Clowes is ordered to deliver the said bill and amendments to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

The committee to whom the bill for regulating and limiting the prices of sundry articles of produce, &c., was recommitted, now delivered a bill at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of Council appointed to confer with a committee of the House of Assembly on a resolve of Congress of the 22d November last respecting the opening of subscriptions for a loan of money, to be invested in Continental Loan-Office Certificates, informed the Chair that the conferees on the part of the Assembly had not yet met them, and prayed a longer time.

Mr. Clowes, one of the committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., informed the Chair that the committee were not fully satisfied with the inquiries they had made into this business since their appointment, and therefore prayed a longer time.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 10th, 1778.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolutions of that House, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., April 9th, 1778.

"WHEREAS the honorable the Continental Congress, on the "22d day of November last, among other things did resolve as "follows, viz:

"'*And whereas* the obstruction of the course of justice in any "State may not only prove injurious to its citizens, but also to "the circulation and credit of the currency of such State, and of "the United States,

"'*Resolved therefore*, That it be recommended to the several "States forthwith to take effectual care that justice be duly ad- "ministered within their respective jurisdictions, as well for the "recovery of debts as for the punishment of crimes and misde- "meanors.'

"And this House, taking the said recommendation into con- "sideration, after some time spent thereon, came to the following "resolutions:

"1. That nothing so effectually tends to the preservation and "happiness of a State, and the peace and advantage of the in- "inhabitants, as the impartial administration of justice and due "execution of the laws, which blessing can only be obtained or "enjoyed by a wise and judicious appointment of persons to fill "the several Courts of judicature in the same.

"2. That it appears to this House that the late appointment "of Judges and Justices for some of said Courts hath not pro- "duced the said salutary effects, inasmuch as the place of resi- "dence of some is by no means calculated for the most easy "and convenient administration of justice; others of them, so "appointed, have neglected to accept of the places to which "they were appointed, and, being unfriendly to the freedom and "independence of the United States, and the Government of this "State in particular, have fled to the open enemies thereof; and "many of them that did accept have neglected to enforce the "laws of the State, to punish treason and traitorous practices, to "preserve the peace, to punish harbourers of deserters, to pre- "vent discriminating between Continental Currency and the Bills "of Credit emitted under the authority of the King of Great "Britain, and too generally neglected to attend the Courts of "Justice, thereby causing much confusion and dissatisfaction "among the inhabitants of this Government; and some of them "have been convicted of a breach of the penal laws of the State, "thereby rendering themselves unworthy of so important a trust.

"3. That the appointment of two of the Judges of the Supreme "Court of this State who inhabit any one county thereof is in- "convenient, and tends to discourage persons who think them- "selves aggrieved by the determinations of inferior judicatures "from seeking redress.

"4. That it is the opinion of this House that the resignation

"of William Killen and John Cook, Esquires, of their commis-
"sions of Justices of the said Supreme Court (as they both reside
"in the same county), is the only legal way whereby the Legis-
"lature of this State may be enabled to remedy the inconveni-
"ence mentioned in the last resolution, by the appointment of
"one person residing in each county to be Justices of the said
"Court.

"5. That the Clerk of this House forthwith send copies of the
"two last resolutions to William Killen and John Cook, Esq'rs.

"6. That the General Assembly address the President of this
"State, desiring him to displace such of the present Judges and
"Justices of this State as he shall have good reason to believe
"have been guilty of any of the misdemeanors above recited."

Which resolutions were, by order, read.

The Council now resumed the consideration of the bill for regulating and limiting the prices of sundry articles of produce, &c., and after some time spent therein, ordered to lie over for further consideration.

Mr. Craghead, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the Militia accounts of this State and the six amendments proposed thereto by the Council, three of which that House acceded to, and the remaining three they disagreed to, and the Council thereupon receded therefrom.

The House of Assembly also proposed the following addition to be made to the general account of the Militia of Kent County, to wit:

[46. William Hudson, per account, £5 : 10 : 1.]

To which the Council agreed.

The committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., now delivered their report at the table, which, by order, was read the first time.

Mr. Hall, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message from the Assembly to the Council, viz:

"*Gentlemen:*

"The House of Assembly have taken into consideration the "amendments proposed by your honorable House to the bill en- "titled 'An act for the further security of the Government,' and "are sorry to say they cannot accede to divers of the same "amendments, and therefore propose to your honorable House, "as the most expeditious way of determining this business, the "appointment of committees of both Houses to confer on the sub- "ject matter of the said amendments, who may report thereon."

Which, by order, was read the first time.

By special order the same was read the second time, and, on motion,

Resolved, That an answer to the said message be drawn up.

Which was accordingly done at the table, and is as follows, to wit:

Gentlemen:

The Council have considered your message of this day relative to the amendments proposed by the Council to the bill entitled "An act for the further security of the Government," and cannot concur in your proposition of committees of conference at this stage of the business, as we apprehend the more regular and expeditious mode would be for your honorable House to have sent the bill back to the Council with your accession to such of said amendments as your House concur in, and the reasons which induced you to reject the others. Those, perhaps, might induce the Council to recede from the amendments which you reject. If not, then a conference might be regularly brought about.

Which, by order, was read and approved of.

Ordered, That the same be signed by the Speaker of the Council.

Which was done accordingly.

Ordered, That Mr. Clowes wait on the House of Assembly with the said answer.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, April 11th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Clowes reported that he had delivered to the House of Assembly the answer from the Council to the message of the Assembly agreeable to the order of yesterday.

The resolutions of the House of Assembly respecting the administration of Justice, Judges, and Justices were, by order, read the second time, and thereupon

Resolved, That a committee of three be appointed to take the said resolutions into consideration and report thereon.

On motion, Messrs. Vandyke, Jones, and Collins are appointed a committee for this purpose.

The report of the committee appointed to take into consideration the resolve of Congress of the 3d of September last, respecting the importing or otherwise procuring a supply of arms, tents, &c., was now, by order, read the second time, and, after some consideration had thereon, that part of the report which related to the fitting out vessels for the importing of arms, &c., was disapproved of, and the other parts were referred to the same committee, to draw up a set of resolutions, founded thereon, to be adopted by the Council, and make report in the afternoon.

On motion of Mr. Hyatt for leave of absence till Tuesday next, the same is granted to him.

On motion of Mr. Conwell for leave of absence till Monday next, the same is granted to him.

Ordered, That the Militia accounts of this State, together with the papers and vouchers, be returned to the House of Assembly in order to be signed by the Speaker of that House, and that it be recommended to that House to provide for the payment and discharge of said accounts.

Mr. Jones is appointed to deliver the same to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, April 13th, 1778.

The Council met, but a sufficient number of members to form a House not attending, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, April 14th, 1778.

The Council met. Present all the members except Messrs. Hyatt, Conwell, and Clowes.

A member from the House of Assembly, attending, was admitted and delivered to the Chair "An act for establishing a Militia within this State," which, by order, was read the first time.

The same member also delivered to the Chair the bill for the further security of the Government, and the amendments proposed thereto by the Council, some of which the House of Assembly had acceded to, and disagreed to the others; with an answer from the House of Assembly to a message from the Council, assigning their reasons for disagreeing to the same, which follows in these words, viz:

"*Gentlemen:*

"When we proposed to your honorable House the appointment of a committee of conference on the subject matter of the amendments proposed by you to the bill for the further security of the Government, we had in view the dispatch of business only; but as you were not pleased to agree with our proposed conference, we now send you the said bill, with our reasons for not acceding to such of your amendments as have been rejected by this House.

"Your proposed amendment for leaving out the word [May], in the 13th line of the first page, and inserting instead thereof the word [July], we cannot agree to, because we think it is now time

"for every inhabitant of this State to determine within himself "whether he will be for or against it. But as the first of May is "too short a time to carry the law into execution, we now pro- "pose an amendment to the amendment proposed by your hon- "orable House, by leaving out the word [July] and inserting "instead thereof the word [June].

"Your 6th proposed amendment, for leaving out the word "[defend], this House cannot accede to, because we think every "person who receives protection from the laws of this State "ought to render his service in defence thereof.

"Your 7th amendment, for leaving out the words [and the "Constitution thereof as now established], we cannot agree to, "because the Constitution of this State hath pointed out a way "by which the same may be altered.

"Your 27th amendment, for leaving out the whole of the 6th "enacting clause after the word [juryman] and inserting instead "thereof [and under the aforesaid disabilities shall remain, &c.,] "this House have not acceded to, because they are of opinion a "line of discrimination ought to be drawn between those who "now acknowledge their allegiance to this State and the Govern- "ment thereof and those who refuse or neglect to do the same; "and every inhabitant of this State who shall neglect or refuse to "acknowledge his allegiance thereto, in the time limited by the "laws thereof, will not be entitled to the immunities and protec- "tions of the same so long as he shall neglect giving testimony "of his attachment and fidelity to the Constitution of this State, "and ought not to be permitted to enjoy the privileges derived "from its laws, until he give satisfaction that he hath not injured "the freedom thereof.

"Your 32d amendment, proposing the leaving out of the "whole of the 10th enacting clause and instead thereof inserting "[*And be it enacted by the authority aforesaid*, That the Justices "of the several Counties, &c.,] this House cannot agree to, for "the same reason by them given for not acceding to the 27th "amendment.

"The other amendments proposed by your honorable House "are acceded to by the House of Assembly."

Which, by order, was read the first time.

The committee appointed to draw up a set of resolutions, founded on the report of the committee appointed to take into consideration a resolve of Congress of the 3d of September last, respecting the importing or otherwise procuring a supply of arms, &c., now delivered a set of resolutions at the table, which, by order, were read and approved of, and are as follows, viz:

Resolved, That the President be empowered to procure, on loan or purchase, for and in behalf of this State, any number of arms and quantity of ammunition that he may think necessary for the defence of the State the ensuing campaign.

Resolved also, That the President be requested to apply to the commanding officer of the Delaware Battalion for leave to detain under his enlistment a certain John Watkins, by trade an armourer (a soldier in said battalion), for the purpose of repairing the arms in the hands of the Militia, and also those belonging to the State.

Resolved also, That the President be requested to appoint one or more persons whose business shall be to enter into a contract with the said John Watkins for his labor and the use of his tools, at any sum not exceeding £15 per month and a soldier's Continental ration per day, and to provide a shop in or near the Town of Dover for the said Watkins to work in, and to superintend him in the said business.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., April 15th, 1778.

The Council met. Present all the members.

The answer from the Assembly to the message from the Council, setting forth their reasons for disagreeing to some of the amendments to the bill for the further security of the Government, was now read a second time, and the Council proceeded to the consideration of the amendments disagreed to by the House of Assembly severally, and, upon the question,

The Council receded from the 3d amendment and agreed to the month of June being inserted instead of the month of July.

As to the 6th, 7th and 27th amendments, the Council adhered to the same.

As to the 32d amendment, the Council adhered to the first and last part thereof, but receded from the clause requiring the members of Assembly and officers, &c., to take the oath, &c., within one month, &c.

As to the 33d amendment, the Council adhered to the same, with the alteration of the month of July for June, to make the same correspond with the first clause in the bill.

And thereupon Messrs. Collins and Vandyke were appointed a committee to draw up a message to the Assembly containing reasons for adhering to the amendments as aforesaid.

The committee to whom the resolutions of the House of Assembly of the 9th instant, respecting the administration of justice, &c., were referred, now delivered their report at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, the bill for establishing a Militia within this State was, by order, read the second time and ordered to lie over for further consideration.

On motion, the bill for regulating and limiting the prices of sundry articles of produce, &c., was now read by paragraphs, and, after some consideration had thereon, was ordered to lie over till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 16th, 1778.

The Council met. Present the same members as on yesterday.

On motion made that the Council now proceed on the regulating bill, partially gone through on the last evening, and the question being put, the House are equally divided, and the Speaker decided in favor of the question, and, on motion of Mr. Clowes, that the yeas and nays be entered on the question, they are as follows, viz :

For the affirmative—Thomas Collins, John Baning, Richard Bassett, Nicholas Vandyke.

For the negative—John Clowes, William Conwell, Peter Hyatt, John Jones.

And the Council accordingly proceeded on the said bill, and after divers amendments proposed and agreed to, the same passed the Council, and was ordered to be transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Hyatt deliver the said bill and amendments, and also the resolutions of the Council of the 14th instant respecting the procuring a supply of arms and ammunition and engaging an armourer for the use of the State, to the House of Assembly.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act to enable Charles Pope, of the County of Kent, his heirs, executors or administrators, to erect a bridge over Duck Creek ;" and also two several petitions, the one by the said Charles Pope, praying for leave of the General Assembly to erect a bridge over Duck Creek, the other, signed by sundry inhabitants of Duck Creek, praying that the same may not be granted, to the destruction or damage of a public wharf and landing place there.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and resumed the consideration of the resolutions of the House of Assembly respecting the administration of justice, &c., and the report thereon, and, after some amendments made, the same was postponed till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 17th, 1778.

The Council met. Present the same members as on yesterday.

The Council proceeded in the consideration of the resolutions respecting the administration of justice, and agreed to further amendments.

Ordered, That Messrs. Vandyke and Jones be a committee to draw up a message to the House of Assembly stating the reasons for these amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Hyatt now reported the delivery of the papers given to him in charge to the House of Assembly according to the order of yesterday.

The committee appointed to draw up a message to the House of Assembly, stating the reasons of the Council for adhering to their amendments to the bill for the further security of the Government, disagreed to by the House of Assembly, now brought one in, which, being read and agreed to, is as follows, viz:

Gentlemen:

The Council, taking into consideration as well those amendments which they had proposed to the bill for the further security of the Government, and disagreed to by your honorable House, as the amendments proposed by your House to our third amendment, do recede from their 3d amendment and agree to insert the word [June] instead of the word [May], as in the bill.

As to their 6th amendment, they adhere to the same, for that the word [defend] may be construed by some to extend to bearing arms; and although it is very just that whoever has protection under a government is bound to defend the same, yet that defence is not to be required but agreeable to law founded on the principles of the Constitution. It is well known that some inhabitants of this State are conscientiously scrupulous to bear arms in any case, and under the 10th article of the Bill of Rights are not to be compelled to yield personal service if they will pay an equivalent for the same.

As to their 7th amendment, they adhere to the same, for as much as the greater part of the articles of the Constitution are subject to an alteration by an express provision in the 30th article thereof, and no person should be compelled to support it *as now established.*

As to their 27th amendment, they adhere to the same, for that

the words following the word [juryman], in that clause of the bill, are too general and uncertain; and as it is not the intention of the House of Assembly, appearing from the 9th clause of the bill, to prevent those who do not take the test by the time limited therein when the disabilities are to take place from taking it any time after, the Council cannot forsee any advantage which can arise to the State by obliging such persons to produce vouchers.

As to the 32d amendment, the Council adhere to that part of it which proposes the leaving out of the bill the 9th enacting clause, the same being provided for in their 27th amendment, adhered to as aforesaid; and they also adhere to the latter clause, as proposed therein, which provides for persons under age at the time limited in the bill for taking the test to take the same within three months after, except as to the word [July], in the 3d line of the clause, instead of which insert the word [June], to make the same correspond with the first clause in the bill; but the Council recede from that part of the said amendment which directs members of Assembly and officers to take the oath, &c., within one month after publication, &c., rendered unnecessary by adopting the word [June] in the third amendment.

As to the 33d amendment, the Council adhere thereto, with the alteration of the word [July], in the 5th line of the clause, to the word [June], for that it is a necessary provision in consequence of the 27th amendment adhered to, and for that the clause which it is to supply is inaccurate and defective.

Ordered, That the same be transcribed and signed by the Speaker, which being done,

Ordered, That Mr. Conwell deliver the said message and bill, with the list of amendments, to the House of Assembly.

Mr. Clayton, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from the President to the House of Assembly, founded on a letter which he had received from Governor Johnson, of Maryland, requesting that some of the Militia of this State might join and act with the several companies ordered by the State of Maryland for the purpose of covering the Continental stores purchased in these two States in their removal to the magazines, together with Governor Johnson's letter, which, by order, were read.

The same member also delivered the following resolution of the House of Assembly, founded on the President's message and Governor Johnson's letter, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., April 16th, 1778.

"*Resolved*, That upon consideration of the present circum-"stances of the State, this House cannot expediently concur in "the above mentioned message of his Excellency the President, "and that Mr. Clayton wait on the Council and lay before them "the said message and the letter therein referred to."

Which, by order, was read the first time.

The committee of the Council appointed to confer with a committee of the House of Assembly on a resolve of Congress of the 22d of November last, respecting the opening of subscriptions for the loan of money to the United States on Continental Loan-Office Certificates, now delivered their report at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., April 18th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Conwell reported that he had delivered to the House of Assembly the message and bill, with its amendments, according to the order of yesterday.

The resolution of the House of Assembly, founded on the President's message and Governor Johnson's letter, was read a second time, and the following alteration or amendment was proposed and agreed to, viz :

Resolved, That it be recommended to the President to afford such aid from the Militia of this State, to act in conjunction with

those of the State of Maryland, in covering the Continental stores purchased in this State and on the Eastern Shore of Maryland in their removal to the magazines, as he shall think may be spared from the State, having regard to the protection of the inhabitants and their property on the shore of the Delaware, and the reinforcing of General Smallwood, agreeable to his prior requisition.

Ordered, That Mr. Conwell return the resolution aforesaid, with the amendment aforesaid, for concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair the bill for the further security of the Government, with the amendments of the Council thereto.

The same member also delivered to the Chair the following answer from the House of Assembly to a message from the Council, to wit:

"*Gentlemen:*

"The House of Assembly have taken into their consideration your message of yesterday containing the reasons of your "honorable House for adhering to divers amendments by you "proposed to the bill for the further security of the Government, "and cannot accede to any of the amendments therein mentioned to be adhered to by the Council, and therefore propose to "your House the appointment of committees of both Houses to "confer on the subject matter of the said amendments, to meet "at 3 o'clock this afternoon, who may report thereon."

Which, by order, was read, and the Council thereupon acceded to the proposition of the House of Assembly for the appointment of a committee of conferees on the subject matter of the amendments proposed by the Council to the bill for the further security

of the Government, and named Messrs. Bassett and Baning on the part of the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the concurrence and appointment aforesaid.

The committee appointed to draw up a message to the House of Assembly, stating the reasons which induced the Council to reject the 2d and 6th resolves of the House of Assembly respecting the administration of justice, &c., now delivered one at the table, which, by order, was read the first time.

By special order the same was read a second time and ordered to be transcribed and signed by the Speaker, and follows in these words, to wit :

Gentlemen :

The Council have considered your resolution respecting the administration of Justice, Judges, &c., and have rejected the second and sixth for the following reasons, to wit :

The second, for that the same contains general charges against the officers of the State, and the allegations therein we conceive ought to have been communicated to the Council, by way of message, requesting that a mode of removal might be adopted by the General Assembly, or a joint committee of both Houses.

The sixth, because the officers to be removed on the address of the General Assembly ought to be named, otherwise the President would be obliged to inquire what persons should be removed, which would be to make him the judge, and not the General Assembly, to whom that right properly belongs under the Constitution of this State.

We apprehend that by the 23d article of the Constitution three modes are pointed out by which officers may be displaced, to wit: By impeachment before the Legislative Council ; conviction at common law, or on the address of the General Assembly. By the last, the General Assembly have a power to call such persons before them, inquire into their conduct, and, if they appear improper for such offices, to supercede them by a new appointment and address to the President to commission the persons so appointed.

The Council have proposed amendments to the third, fourth,

and fifth resolves, which are transmitted to your House herewith; the others they have acceded to.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing message and resolves of the House of Assembly, with the amendments proposed thereto by the Council.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., April 20th, 1778.

The Council met. Present the same members as on Saturday, except Messrs. Bassett, Vandyke, and Collins.

Mr. Conwell reported that he had delivered to the House of Assembly the several papers given him in charge according to the order of Saturday.

On motion, the consideration of the bill for establishing a Militia within this State was resumed, and after some time spent thereon was postponed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Hall, a member from the House of Assembly, attending, was admitted and returned to the Chair the amendment proposed by the Council to the resolve of the House of Assembly upon the President's message to the House of Assembly of the 16th of this instant, founded on the requisition from Governor Johnson, concurred in by the House of Assembly.

Ordered, That a certified copy of the said resolve, as now agreed to, be delivered to the President.

The same member informed the Chair that Messrs. Patterson, Armstrong, and Peery are appointed, on the part of the House of Assembly, to confer with the committee of Council on the subject matter of the amendments proposed by the Council to the bill for the further security of the Government.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., April 21st, 1778.

The Council met. Present the same members as on yesterday, and also Messrs. Vandyke and Collins.

The Council proceeded on the consideration of the bill for establishing a Militia, and after some amendments proposed and agreed to, the remaining clauses were postponed for further consideration.

Mr. Clark, a member from the House of Assembly, attending, was admitted and returned to the Chair the resolutions of the Council of the 14th instant, respecting the procuring a supply of arms and ammunition, &c., with several amendments proposed thereto by the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of Council appointed to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for the further

security of the Government, now delivered their report at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, April 22d, 1778.

The Council met. Present the same members as on yesterday.

On motion, the consideration of the bill for establishing a Militia was resumed, and after some time spent thereon the same was postponed.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, April 23d, 1778.

The Council met. Present the same members as on yesterday.

The Council proceeded in the consideration of the bill for establishing a Militia, and after some time spent thereon the same was postponed.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and delivered to the Chair "Rules and articles for the better regulating of the Militia;" and also certain resolutions of the House of Assembly for borrowing, upon the credit of the State, 7,500 dollars.

The same member also returned to the Chair the amendments proposed by the Council to the resolutions of the House of Assembly respecting the administration of justice, &c., two of which said amendments the House of Assembly had agreed to, and to the remaining two they had disagreed; their reasons for disa-

greeing to which are set forth in a message to the Council, delivered at the same time, which follows in these words, viz :

"*Gentlemen :*

"The Assembly have considered your message of the 18th of "April, likewise the amendments proposed to their resolutions "respecting the administration of justice, &c., and are of opinion "that the reasons given by the honorable Council are insufficient "to induce us to accede to the first and second amendments "proposed ; therefore cannot recede from our second resolution, "because the allegations therein mentioned we believe to be self-"evident and well-attested facts, known to have been committed "by several of the Judges and Justices in some of the counties "within this State, and therefore were alleged generally, that "those guilty of the facts mentioned therein may be more prop-"erly pointed out in an address to the President by the General "Assembly ; neither has the honorable Council denied the facts "therein mentioned, and if wholly rejected would make the reso-"lutions testify that the appointment of two Judges of the Su-"preme Court, who resided in one county (though gentlemen "of character), was the only grievance or inconvenience that "hath been or now doth exist in the Executive Department, and "that justice in every other part hath been duly administered, "which, we believe, cannot be verified.

"The Assembly adhere to their third resolution, because no "reason appears to them or is assigned by the Council for alter-"ing the same.

"The third and fourth amendments proposed are acceded to "by the Assembly.

"Should the honorable Council remain dissatisfied as to the "propriety of our second resolution, we beg leave to propose to "your House a committee of conference on the subject matter "therein contained."

Which, by order, was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, April 24th, 1778.

The Council met. Present the same members as on yesterday.

The consideration of the bill for establishing a Militia was resumed, and after some time spent thereon was postponed till to-morrow.

Mr. Conwell having applied for a leave of absence for a few days, the same is granted to him.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, April 25th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Conwell.

The Council now proceeded on the further consideration of the bill for establishing a Militia, which by the order of yesterday was postponed till to-day, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence; and that Mr. Clowes wait on the House of Assembly with the said bill and its amendments.

Adjourned till Monday morning, 10 o'clock.

MONDAY, April 27th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, April 28th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., April 29th, 1778.

The Council met. Present all the members, except Messrs. Hyatt and Conwell.

The amendments proposed by the House of Assembly to the resolutions of the Council of the 14th instant, respecting the procuring a supply of arms, &c., were, by order, read, and further amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly.

Mr. Clowes is appointed to deliver the same to the House of Assembly for concurrence.

The resolutions of the House of Assembly for borrowing, upon

the credit of the State, 7,500 dollars, were, by order, read the first time.

The rules and articles for the better regulating of the Militia, were, by order, read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now appeared and took his seat in the Council.

Upon motion and order,

The report of the committee of conference to whom the resolves of Congress of the 22d of November last, respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, were referred, was read a second time, and thereupon

Resolved, That three persons in each County of this State be appointed by the General Assembly for the purpose of promoting and taking subscriptions, specifying the names of persons willing to lend money to the United States of America on Continental Loan-Office Certificates, and the sums they respectively undertake to furnish on such certificates, not less than 200 dollars on any one certificate.

Resolved also, That subscription papers for the purpose aforesaid be put into the hands of the persons so appointed, of the tenor following, to wit:

We, the subscribers, do hereby engage to pay, on demand, into the hands of the Commissioner of the Continental Loan Office for the Delaware State, the sum or sums of money to our respective names annexed, for and in lieu of the said office certificates.

A copy whereof, when subscribed by any number of persons, shall be transmitted by the persons respectively taking the same, at least once in four months, to the Commissioner of the Continental Loan Office of the State, and a duplicate thereof by him forthwith sent to Congress, that they may be enabled, as far as is practicable, to ascertain the supplies for the war which may be raised in this State upon Loan-Office Certificates.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Clowes is appointed to deliver the same to the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 30th, 1778.

The Council met. Present all the members, except Mr. Hyatt.

Mr. Clowes now reported that he had delivered to the House of Assembly the several papers given to him in charge, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The rules and articles for the better regulating of the Militia were, by order, read a second time, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent to the House

of Assembly for their consideration and concurrence, and that Mr. Conwell deliver the same, with their amendments, to the House of Assembly.

A petition, signed by divers inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards on the shore of the Delaware, particularly at the mouths of Murtherkill and Jones' creeks, was delivered at the table, and, by order, read the first time.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 1st, 1778.

The Council met. Present all the members, except Mr. Hyatt.

Mr. Conwell reported that he had delivered to the House of Assembly the rules and articles for the better regulating of the Militia, with their amendments, according to the order of yesterday.

Mr. Armstrong, a member from the House of Assembly, attending, was admitted and returned to the Chair the resolutions of the Council respecting the procuring a supply of arms and ammunition, &c., with the several amendments to the same.

The same member also returned to the Chair the resolutions of the Council respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, with an amendment thereto by the House of Assembly, which, being severally read and agreed to, were ordered to be transcribed and sent to the House of Assembly in order to be signed by the Speaker of that House.

Mr. Bassett is appointed to deliver the same to the House of Assembly.

The message from the House of Assembly of the 23d of April,

containing their reasons for disagreeing to certain amendments of the Council to their resolutions respecting the administration of justice, &c., was, by order, read a second time, and thereupon

Resolved, That a committee of two be appointed to draw up an answer to the said message, expressing the reasons of the Council for adhering to their amendments to the said resolutions.

On motion, Messrs. Vandyke and Jones are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The report of the committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for the further security of the Government, was, by order, read a second time and postponed.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 2d, 1778.

The Council met. Present the same members as on yesterday.

Mr. Bassett reported that he had delivered to the House of Assembly the several papers given to him in charge, according to the order of yesterday.

The committee appointed to draw up an answer to the message

from the House of Assembly of the 23d of April, now delivered a draught of one at the table, which, by order, was read the first time.

On motion of Mr. Jones, for leave of absence till Thursday next, on account of his indisposition, the same is granted to him.

The petition from the inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards, &c., was read a second time, and thereupon

Resolved, That a committee of three be appointed to take the said petition into their consideration and report some plan whereby guards may be fixed according to the prayer of the said petitioners.

On motion, Messrs. Vandyke, Collins and Clowes are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council, taking into consideration the resolutions of the General Assembly of the 25th of February last, for completing of the Delaware Regiment, and it appearing that the deficiency in the number therein mentioned hath not as yet been made up, and that the time limited in the said resolves for the premium to the recruiting officers and the additional bounty to each soldier enlisted expired on the first of this instant; therefore

Resolved, That the premium and bounty allowed to the officer and soldier, as mentioned in the said resolves, be continued till the first day of July next.

Resolved also, That it be recommended to the President that he make application to General Smallwood, or such other persons

Adjourned at 9 o'clock, P. M.

as he may think proper, for a suitable number of officers belonging to the same battalion to be continued on the recruiting service.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. — is appointed to deliver the same ; who, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 4th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 5th, 1778.

The Council met. Present all the members, except Messrs. Hyatt and Jones.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and returned to the Chair the resolutions of the Council respecting the procuring a supply of arms and ammunition, &c., concurred in by the House of Assembly. Also the resolutions of the Council respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, concurred in by the House of Assembly ; and also the resolutions of the Council for completing the Delaware Regiment, with the concurrence of the House of Assembly thereto.

The same member likewise delivered to the Chair the Militia bill and the amendments proposed thereto by the Council ; some

whereof the House of Assembly have rejected, and to others they have agreed, with an additional amendment proposed thereto by the House of Assembly, and the following message, to wit:

"*Gentlemen:*

"The House of Assembly, having considered the amendments proposed by your honorable House to the act entitled 'An act for establishing a Militia within this State,' do agree to many of them, but cannot approve of all, the House still being of opinion that it is necessary to have two sub-lieutenants as well as one lieutenant in each county to carry into due execution the Militia law, have therefore rejected the 1st, 2d, 3d, 4th, 12th, 17th, 27th, 40th, 45th, and 46th amendments, because, by admitting them, the advantages expected from those officers would be lost to the Militia.

"The House have disagreed to the 37th amendment, because they do not perceive any advantage from the variation of expression therein proposed by your honorable House. The 71st amendment is rejected, as being merely consequent to the 37th.

"The House agree, in part, with the Council in the 47th amendment, and propose, as an amendment to it, to leave out the particle [a], before the word [colonel], and adding the letter [s] to the end of the word [colonel]. That part of the proposed amendment for leaving out all the words following the word [regiments], in the fifth line of the 15th enacting clause, the House cannot agree to, as depending on the first amendment proposed by Council and rejected by the Assembly.

"The House have disagreed to the 61st amendment, because they are of opinion that the fine, as it stands in the bill, does not, by any means, exceed the offence that a commissioned officer would be guilty of in neglecting to attend his duty on alarms. The same reason influenced the House in rejecting the 62d amendment.

"The House, apprehending that the 21st section of the bill has already provided for the government of the Militia of this State, at all times and places, as well within as without the State, by such articles of war only as may be established by the General Assembly, and also apprehending that the honorable Continental Congress have fully provided, in their articles of

"of war, that the Militia of the respective States should always, "when called into Continental service, be governed by the ar- "ticles and regulations of their own States only where such arti- "cles and regulations were made by the Legislature, and have "therefore rejected the 73d amendment as unnecessary.

"The 81st amendment the House of Assembly cannot accede "to, because they conceive that sufficient provision is made for "preventing any imposition and injustice in 14th section, 15th "page. They further conceive that if the amendment proposed "was agreed to, such delays might and would happen in the "courts of law as would defeat the intention of the act.

"The House have rejected the 82d amendment, because they "are of opinion that nothing in the act will, in any measure, "invalidate the act entitled 'An act for the more speedily com- "pleting the quota of troops to be raised in this State for the "Continental army.'

"Besides the amendment proposed to the 47th amendment, "made by your honorable House, the Assembly have made "some small amendments to the bill, and also some amendments "to several of the amendments made by the Council, which are "sent up to your honorable House for consideration."

Which, by order, was read the first time.

By special order the same was read a second time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Derrickson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the rules and articles for the better regulating of the Militia, with the amendments proposed thereto by the Council, agreed to by the House

of Assembly, and an additional amendment proposed by the House of Assembly.

The same member also delivered to the Chair the following notice of that House, to wit:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., May 5th, 1778.

"On motion,

"*Resolved*, That it is the intention of this House to adjourn "on Saturday next, for this present sitting, to some future day, "and that Mr. Derrickson wait on the Council with a copy of "this resolution."

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., May 6th, 1778.

The Council met. Present all the members, except Mr. Jones.

Mr. Clark, a member from the House of Assembly, attending, was admitted and delivered to the Chair "A bill to increase the number of the Justices of the Peace in each of the Counties of this State."

The Council now resumed the consideration of the Militia bill and such of the amendments which had been proposed by the Council to the House of Assembly and either disagreed to by the Assembly generally or further amendments proposed and have receded from several of their said amendments, whereupon a second paper of amendments was proposed by the Council to the amendments of the House of Assembly, and an answer from the Council to the message of the House of Assembly of yesterday, stating their reasons for adhering to their other amendments, was drawn up at the table, which, being read and approved of, is as follows, viz:

Gentlemen:

Upon a review of the Militia bill and such of the amendments which had been proposed by the Council to your honorable House, and either disagreed to by you generally or further amendments proposed, the Council have receded from their several amendments which were made for the purpose of excluding the appointment of such officers as sub-lieutenants, upon the supposition that they may be, as you suppose, necessary officers for carrying the law into due and immediate execution, or lest any failure in the execution might be imputed to such an alteration in the bill. But the Council cannot agree to your fourth amendment, proposing the leaving out of the word [schoolmasters], mentioned in our 31st amendment, as we consider the very few engaged in that service so necessary for the education of the youth of the State that every encouragement should be given to them to pursue that business with the strictest attention. Every parent who reflects upon or regards the welfare of his offspring, every guardian of the rights of a free people, must wish to encourage and promote learning; and such has been the fatal effects of the times on schools and seminaries of learning in this State that we think it worthy the attention of the Legislature to afford at least the proper exemption to the teachers in them. But lest this exemption might be improperly used by setting up pretended schools, we have proposed an addition after the word [schoolmasters], as in No. 4 of our second amendments.

The Council adhere to their 37th amendment, as well as to the transposing of the paragraph, for that by our amendment it will be connected with a provision of the like nature as to the lengthening of the time for the election of the company officers; for that the Council think it too short as it stands in the bill.

As to the 44th amendment, the Council are of opinion that the amendment proposed thereto by your House will raise the fine beyond the abilities of most of the poorer delinquents to pay; it will rather tend to prevent the execution of the law than further it. An additional amendment is proposed for dividing the quantum of the fine, and doubt not that it will appear so to your honorable House on further consideration. As to our 47th amendment, we apprehend that we have acceded to it in the form the House of Assembly intended it should be, though somewhat different from the form pointed out in your amendment thereto.

The Council have acceded to the first part of your amendment stated in No. 8, but they cannot agree to the latter part thereof, as they are of opinion that persons qualified to do the duties of lieutenants or sub-lieutenants could not be had to accept of a temporary appointment by the President, subject to a sudden removal by the General Assembly; and the Council apprehend it necessary to strengthen the hands of the Executive Department, to render it useful, and give a necessary influence for the due execution of the laws.

As to the clause in our 81st amendment, providing an appeal from the determination of a single Justice upon a fine that may amount to one hundred and seventy pounds or more on a single person, we cannot recede therefrom, as we think it a very necessary guard against the fallibility of such a judicature and consistent with the spirit of our laws, which we ought not to loose sight of lest precedents of this sort should take place and destroy that liberty and property we are so anxiously contending for and seeking after. The delay cannot be great, unless we suppose the Courts of Justice, upon the appeal, shall not think themselves bound by the express provision made for a speedy determination, which is not to be inferred; for, if so, the same suspicion will lie against the single Judge, who will otherwise act without control or review.

The Council adhere to their 82d amendment, for that they have their doubts as to the operation of the Militia law upon the prior act for the more speedily completing the quota of troops to be raised in this State for the Continental army; and if the Judge or Judges, who are to determine thereon hereafter, should doubt also, they will be subjected to difficulties which will be removed by adopting our amendment; and as the House of Assembly, from their reason assigned for rejecting the amendment, shew expressly that it is not their intention to invalidate that act, they can have no objection to remove the doubts of the Council by acceding to the amendment.

As to the 10th amendment, proposed by the House of Assembly to be added to the 13th section of the bill, the Council agree to the same, but have thought it just and necessary that a further addition should be made there, as set down in the further amendment accompanying this answer, No. 7, providing for such among us who may be conscientiously scrupulous of bearing arms in any

case, agreeable to the spirit as well as the express words of the 10th clause in our declaration of rights, for that the Council are of opinion that the several fines that those sort of people will be subjected to under the present law will be a full equivalent for their protection and defect of personal service, independent of the accumulated fine for not going out upon a second call of the same class in any one year.

The Council think it unnecessary to particularize each of their further amendments, as those unnoticed depend on the like reasons assigned on their similar amendments, and therefore refer your honorable House to the further amendments set down in their second paper of amendments delivered with the answer.

Ordered, That the said answer and amendments be transcribed and sent by Mr. Hyatt to the House of Assembly.

The committee to whom was referred the petition from sundry inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards, &c., now made their report, which, by order, was read the first time.

And, by special order, the same was read a second time, and thereupon resolved, as follows, viz:

1. That the President or Commander-in-Chief be authorized and empowered forthwith to raise three companies in this State, to wit: one company in the County of New Castle, to consist of sixty men, non-commissioned officers and privates, under the command of one captain and two lieutenants; one company in Kent County, to consist of seventy-five men, non-commissioned officers and privates, under the command of one captain and two lieutenants; and one company in Sussex County, to consist of forty men, non-commissioned officers and privates, under the command of one captain and one lieutenant. The said captains and lieutenants to be appointed and commissioned by the President or Commander-in-Chief.

2. That the said officers and men shall be entitled to and receive Continental pay and rations, and shall be subject to the rules and articles of war, provided for the regulation of the Militia of this State, during their continuance in this service.

3. That the President or Commander-in-Chief be empowered

to discharge the whole, or any one, or any part of the said companies when he shall think proper.

4. That the said companies be stationed near to or along the shores in the respective counties of this State, in such places and in such manner as the President or Commander-in-Chief shall from time to time think fit to order and direct.

5. That the duty of the said companies respectively shall be to prevent the enemy and refugees from landing in the State; to apprehend, take up and secure any person or persons going to, coming from, or trading with the enemy or the said refugees, together with all their goods, merchandise and provisions, and the teams and boats in which the same be, and to render a true account thereof to the President or Commander-in-Chief, and deliver the same to his order or appointment.

6. That the President or Commander-in-Chief be empowered to appoint one or more suitable persons in each county to furnish the company of such county with the rations allowed; and that it be recommended to the House of Assembly to make provision for the execution of the aforesaid plan.

Ordered, That the same be transcribed and sent by Mr. Hyatt to the House of Assembly for their concurrence.

Mr. Waples, a member from the House of Assembly, attending, was admitted and delivered to the Chair an account of Thomas Wilds, Goaler of Kent County, for expenditures on behalf of several prisoners and deserters in his custody, together with his petition to the General Assembly for the payment thereof, and the proceedings of the House of Assembly on the said petition.

On motion, by order, the bill to increase the number of Justices of the Peace, &c., was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., May 7th, 1778.

The Council met. Present all the members, except Mr. Jones.

Mr. Hyatt now reported that he had delivered to the House of Assembly the several papers given in charge to him according to the order of yesterday.

The report of the committee appointed to draw up an answer to the message of the House of Assembly of the 23d of April, was, by order, read a second time, and several amendments were proposed and agreed to. The said answer is as follows, viz :

Gentlemen :

The Council have considered your message in answer to theirs of the 18th April last, respecting their amendments to the resolves of your House relative to the administration of justice, &c., and cannot help expressing their surprise at your persisting to call upon the Council to join in a general charge of guilt upon officers of justice, holding commissions for different terms during good behaviour, without knowing the particular persons alluded to therein, or they, or any of them, called upon or heard as to the matters alleged. This conduct we hold to be incompatible with the station we are in as the Supreme Court of Judicature with respect to the trial of offenders against the State, and we do conceive it the indispensable duty of Courts and Judges to condemn none unheard. We apprehend it is immaterial whether those facts be well attested or not. In the present stage of the business it is sufficient that they are alleged by the Assembly. This is a foundation for an inquiry. The persons charged are, by the Constitution and tenure of their offices, entitled to a hearing before conviction. The exercise of this power belongs to the General Assembly, and not to the President, therefore highly improper to be pointed out in an address to the President, as you propose in your message, until some hearing thereon, agreeable to the principles of our Constitution.

It is also improper for the Council to deny the facts mentioned in your second resolve, for their truth or falsehood ought regularly to be inquired into before the persons accused, if they

choose, on being summoned, to appear. The House of Assembly may either impeach the officers before the Council, or resolve that they be called on to answer the charges against them; it would, therefore, be ill-judged by the Council to make themselves a party in the question by a denial of the facts. It is sufficient that we have pointed out a mode in our message, now before your House, to which we beg leave to refer you.

We do not think that a total rejection of the second resolve, in which the grievances are pointed out, would make the resolutions testify that the only grievance existing is the appointment of two Justices of the Supreme Court in one county, and that justice in every other part has been duly administered. Nevertheless, if the House of Assembly conceive it will receive such construction, the Council will have no objection to the total leaving out of the first resolve and the preceding preamble, which, we do admit, are not necessary to precede the resolution respecting the Judges of the Supreme Court.

The Council proposed an amendment to your third resolve, for that, in their opinion, the reason therein mentioned does not exist. The Clerks of the Supreme Court in the respective counties of this State may, and usually have, all kinds of remedial writs in their hands calculated for removing the determinations of inferior judicatures, so that the want of a Judge resident for this purpose doth not appear so proper for the foundation of the subsequent resolve; therefore the Council cannot, for a reason which they know does not exist, agree to request the Justices of the Supreme Court who reside in one county to resign their commissions; yet, for a reason which at present does exist, they have concurred in such a request, and it must be a matter of small moment to your honorable House whether our concurrence with you proceeds from the same cause or motive or no, as the same end will be effected.

The Council have not at this time agreed to your proposition of a committee of conference on the subject matter of the second resolve aforesaid. We flatter ourselves that your House, on a reconsideration of the amendments and the principles on which they were proposed, will be inclined to adopt them.

Ordered, That the foregoing answer be transcribed and sent by Mr. Hyatt to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery of the same according to order.

On motion, by order, the bill to increase the number of Justices, &c., was read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent by Mr. Hyatt, together with the said bill, to the House of Assembly.

Mr. Hyatt reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 8th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Derrickson, a member from the House of Assembly, attending, was admitted and delivered to the Chair two messages from the House of Assembly to the Council, which were read, and are as follows, viz :

"*Gentlemen :*

"This House have received the answer of the Council to a "message from this House respecting the amendments to sundry "resolutions of this House, of the 9th of April last, for the ad- "ministration of justice, and have acceded to the same amend- "ments."

"*Gentlemen :*

"The House of Assembly have taken into their considera- "tion the Militia bill and the second paper of amendments, with "the message accompanying the same, and have disagreed to the "7th amendment proposed in the said second paper, and still "continue to adhere to their resolution of rejecting divers of the "amendments proposed by the Council in the first paper, &c.;

"but for the dispatch of business the House of Assembly pro-
"pose to your honorable House the appointment of committees
"to confer on the subject matter of those amendments."

The same member also returned to the Chair the resolution of the Council for the establishing of guards, &c., concurred in by the House of Assembly, who proposed an additional resolve thereto, which was read and concurred in, and is as follows, viz:

"*Resolved*, That his Excellency, the President, be empowered
"and required to draw out of the Loan Offices of this State, or
"any of them, such sum or sums of money as he may deem
"necessary for the carrying into execution the aforesaid resolu-
"tion for raising the said three companies of guards, and that
"this House will devise ways and means for replacing the same."

Ordered, That Mr. Hyatt return the same to the House of Assembly, concurred in by the Council.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

A message from the President, inclosing a resolution of Congress recommending the passage of a law offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, was delivered at the table.

On motion, by order, the foregoing message and resolution were severally read the first time. The said message is in these words, viz:

"*Gentlemen of the Legislative Council:*

"I just received a packet from the President of Congress,
"inclosing a resolution of that honorable body recommending to
"the several States the enacting laws, &c., for granting pardons,
"&c. I have sent your honors, with this message, a copy of the
"above-mentioned resolution for your consideration.

"CÆSAR RODNEY."

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 9th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Derrickson, a member from the House of Assembly, attending, was admitted and returned to the Chair the Militia bill, with the several amendments of each House to the said bill; and also delivered the bill to increase the number of Justices, &c., signed by the Speaker of the House of Assembly.

The message from the House of Assembly, respecting the appointment of committees to confer on the subject matter of the amendments to the Militia bill, was, by order, read a second time, and thereupon the following answer to the said message was drawn up at the table, viz:

Gentlemen:

The Council have taken into consideration your message of yesterday, and would gladly embrace every method calculated for the dispatch of the public business, particularly the bill for establishing a Militia, and have no other objection to the appointment of a committee of conference as to the disputed amendments proposed to that bill than the declaration of your House, in their message proposing such a conference, that you still continue to adhere to your resolution of rejecting those amendments. The Council apprehend the design of such a conference is to hear the reasons for and against the points in dispute between the two Houses, and have the opinion of this select part of them thereon reported. If your honorable House consider the points open for discussion, and that your conferees are not absolutely bound to reject every of those amendments proposed, we are ready and willing to have them discussed and reported upon by such a committee; and that no delay may be, the Council have named Messrs. Vandyke and Bassett the conferees on this occasion, on the supposition that the committee to be appointed by you will be at liberty, as aforesaid.

Resolved, That Mr. Vandyke wait on the House of Assembly with the foregoing answer and inform them of the said appointment.

Mr. Lewis, a member from the House of Assembly, attending, was admitted and returned to the Chair the foregoing answer, concurred in by the House of Assembly, and the following appointment of that House, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., May 9th, 1778.

"Read and concurred in; and Messrs. Patterson, Bryan, and "Craghead are appointed, on the part of this House, conferees "for the purposes aforesaid, with directions to proceed in the "business assigned them as soon as may be."

The same member also delivered to the Chair certain resolutions of the House of Assembly empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out; also a resolution of the House of Assembly directing the Speaker to write to the signers of the last emission of paper currency, &c.; also the resolutions of that House for the appointment of committees to adjust the Loan Office accounts; and also the resolutions of that House for the appointment of John Dickinson, Esquire, to be one of the committee for stating an account of expenditures, &c.

On motion, by order, the several foregoing resolutions were respectively read the first time.

On motion, by order, the resolution of Congress, recommending the passing of a law offering pardon to such of the inhabitants as have levied war against any of the States, &c., was read a second time and referred to Messrs. Clowes, Vandyke, and Bassett, to prepare and bring in a bill for that purpose.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 11th, 1778.

The Council met. Present all the members, except Messrs. Clowes, Conwell, and Jones.

The committee appointed to confer with the committee of the House of Assembly on the subject matter of the amendments to the Militia bill, now delivered their report at the table, which was read and agreed to, and thereupon the following message, founded on the said report, was drawn up at the table, viz :

Gentlemen :

Upon the report of the conferees on the subject of the several amendments to the Militia bill in dispute between the two Houses, the Council have agreed to the report, as follows, to wit :

That the further amendment, as proposed by the House of Assembly in their second paper of amendments, be adopted after striking out the word [white], as mentioned therein, and added to the 31st amendment, proposed by the Council in their first paper. That the 81st amendment of the Council in their first paper shall be a part of the bill upon striking out the words [except in extraordinary cases, of which the Court shall judge]. That the 82d amendment of the Council, mentioned in their first paper, shall stand and be inserted in the bill ; and that the 7th amendment of the Council, in their second paper, be receded from. So that, if your House shall approve of the report of the conferees as aforesaid, the bill may be immediately engrossed and enacted into a law.

Ordered, That the same be transcribed and sent by Mr. Hyatt to the House of Assembly, together with the Militia bill and its several amendments.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 12th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Hyatt now reported the delivery of the several papers committed to his charge according to the order of yesterday.

On motion, by order, the bill to enable Charles Pope, his heirs, &c., to erect a bridge over Duck Creek, was read the first time.

By special order the same was read a second time, and, for the better information of the Council, thereupon

Resolved, That a committee of two be appointed to go to the place where the said bridge is proposed to be erected and view and report their opinion thereon.

Messrs. Collins and Hyatt are appointed, on the part of the Council, for this purpose, and thereupon a message from the Council to the House of Assembly, proposing the appointment of a like number of the members of that House to join the said committee of the Council, was drawn up at the table, and follows in these words, viz:

Gentlemen:

The Council, upon the best information they have been able to obtain respecting the propriety of giving privilege to Lieutenant Colonel Charles Pope to erect a bridge over Duck Creek at the distance of twenty feet above the public wharf there, as proposed in the bill now before us, have reason to apprehend that the public as well as private interest may be considerably injured by placing the said intended bridge so near the same wharf, and below other wharves, storehouses and landing places heretofore much used for lumber of all kinds, and from the nature and situation of the ground along the creek below the public wharf always must be useful and necessary. The Council have also reason to believe that liberty of erecting a bridge across Duck Creek aforesaid above all the wharves, storehouses and landing places not more than ten or twelve rods distance higher up the creek, might be granted to Colonel Pope without apparent injury to the public

or private interest, and nearly as convenient for him; but, as neither the petitioner for the bridge or any of those against it, save one, and him on this day, have attended this House to enable them to determine satisfactorily thereon, the Council are desirous of the best information, and therefore propose to your honorable House the appointment of two or more of the members of each House to proceed to the place where, and view, and report their opinion thereon. This may be done in the course of an evening or morning, with but little trouble or loss of time, and for this purpose the Council have named Messrs. Hyatt and Collins on their part.

Ordered, That the same be transcribed and sent by Mr. Bassett to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereof according to order.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the bill to increase the number of the Justices of the Peace, &c., signed by the Speaker of the House of Assembly.

Ordered, That the same be signed by the Speaker of the Council.

Which was done accordingly.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the bill entitled "An act to increase the number of the Justices of the Peace in each of the Counties of this State."

On motion, by order,

The resolution of the House of Assembly, directing the Speaker to write to the signers of the last emission of paper currency, was read a second time and concurred in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., May 1st, 1778.

"WHEREAS it appears to this House that some of the monies "emitted by an act of General Assembly of this State, entitled

"'An act for printing and emitting fifteen thousand pounds in "Bills of Credit of this State, to be let out on loan, and for strik- "ing the further sum of ten thousand pounds in such bills for the "use of this State, and for providing a fund for sinking the same,' "are still in the hands of several of the signers of the said cur- "rency in the County of New Castle; therefore

"*Resolved*, That the Speaker be desired to write to the several "signers of the said emission of paper currency within the said "County of New Castle, requiring them to deliver such of the "said monies as remain in their hands of the said emission to the "Trustee of the Loan Office of the said county, agreeable to the "said act, and that they make report of the sums in their hands "respectively to the President of this State forthwith."

On motion, by order,

The resolution of the House of Assembly for borrowing the sum of 7,500 dollars upon the credit of the State, was read a second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, April 20th, 1778.

"The House resumed the consideration of the late Vice-Pre- "sident's message of the 13th of March last, and thereupon

"*Resolved*, That the sum of seven thousand five hundred "dollars be borrowed upon the credit of this State, and that "the President sign certificates to the person or persons lending "the same.

"That this House will devise ways and means for the repay- "ment of the said sum to the lender or lenders thereof, with in- "terest at the rate of six per cent. per annum until the same be "repaid.

"That the said sum of seven thousand five hundred dollars be "put into the hands of Thomas Rodney, Esquire, for the pur- "pose of completing the purchase of clothing for the Delaware "Regiment; and that the said Thomas Rodney be accountable "for the expenditure thereof to the General Assembly, or to the "President or Vice-President of the State for the time being in "the vacation of Assembly, in order that the State may have the "sum expended refunded by Congress."

Ordered, That Mr. Bassett wait on the House of Assembly with the two last mentioned resolutions concurred in respectively by the Council, and also the bill for increasing the number of the Justices of the Peace in each county of this State, signed by the Speaker of the Council, and the resolution for affixing the Great Seal to the same.

Mr. Bassett reported that he had waited on the House of Assembly and delivered the said papers according to order.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a "Bill for raising one hundred and twenty thousand dollars for the service of the present year, by a general tax;" and also delivered the resolutions of the House of Assembly for the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners for this State, and then withdrew.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., May 13th, 1778.

The Council met. Present all the members except Messrs. Clowes and Jones.

On motion, by order,

The resolutions of the House of Assembly for the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners for this State, were read the first time.

On motion, by order,

The bill for raising 120,000 dollars for the service of the present year, by a general tax, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee appointed to prepare and bring in a bill offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, now delivered one at the table, which, by order, was read the first time.

The resolutions of the House of Assembly, empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out, were, by order, read a second time and concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., May 9th, 1778.

"On motion,

"*Resolved*, That the President or Commander-in-Chief of this "State be authorized and empowered to borrow, on the credit of "the State, the sum of five thousand pounds, and that he sign "certificates to the person or persons who may lend the same, "and this House will devise ways and means for the repayment "to the lender or lenders thereof, with interest at the rate of six "per cent. per annum until the same shall be repaid.

"*Resolved also*, That the sum so to be borrowed be applied "by the President or Commander-in-Chief, in such manner as he "shall think best, in discharge of the accounts due to the Militia "heretofore called out."

The Council then resumed the consideration of the bill for the further security of the Government, and after some time spent therein, the same was postponed until to-morrow morning.

Adjourned till to-morrow morning, 9 o'clock.

THURSDAY, A. M., May 14th, 1778.

The Council met. Present the same members as on yesterday.

The Council now proceeded in the consideration of the bill for the further security of the Government, and thereupon a second paper of amendments to the same was proposed, agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration and concurrence, with the following message, viz :

Gentlemen :

The Council now send you the bill for the further security of the Government, with a second paper of amendments. By the report of the committee of conferees it appears that it was agreed between them that the words in dispute in the sixth amendment, proposed by the House, should be struck out of the bill and the words [and Constitution], mentioned in the 7th amendment, retained, and the words [the, as now established], struck out, which the Council have agreed to. You will perceive by the second paper of amendments that the Council have proposed an amendment to their 27th amendment, which, they hope, will be satisfactory and remove all objections ; but they beg leave to remind you that the 1st of June, the time limited for completing the administration of the test in the first instance, will be rather too short, either for the body of the people of the State to know the contents of the law, or the ministerial officers therein to perform their duty under it.

Ordered, That Mr. Hyatt return to the House of Assembly the resolution empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out, with the concurrence of the Council thereto ; and also the bill for the further security of the Government, with its several amendments, and the foregoing message.

Mr. Hyatt, being returned, reported the delivery of the aforesaid several papers, according to order.

On motion, by order,

The bill for raising 120,000 dollars for the service of the present year, by a general tax, was read a second time.

The same, by order, was read a third time by paragraphs, and will pass.

Ordered, That the said bill, thus agreed to, be returned by Mr. Conwell to the House of Assembly, with the following verbal message, viz :

Gentlemen :

The Council do agree to pass the bill for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax, into a law as soon as the blank therein for the name of the State Treasurer shall be determined upon a ballot by the two Houses, which the Council are ready to go into when it may be convenient to the House of Assembly.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair "The act for establishing a Militia within this State ;" and also the "Rules and articles for the better regulating of the Militia within the same," respectively signed by the Speaker of the House of Assembly.

The resolutions of the House of Assembly respecting the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners, were, by order, read the second time and rejected in part.

The resolution of the House of Assembly respecting the appointment of John Dickinson, Esq'r, to be one of the committee for stating an account of expenditures, &c., was, by order, read a second time, and an amendment was proposed and agreed to, and ordered to be transcribed.

The resolutions of the House of Assembly for the appointment of committees for adjusting the Loan Office Accounts, were, by order, read a second time and rejected ; whereupon a message was drawn up at the table, read and agreed to, and is in these words, viz :

Gentlemen :

The Council, on considering the resolutions of your House, of

the 12th instant, sent for our concurrence, are of opinion that, as to the first, it is unnecessary, as such an officer as State Treasurer will be expressly appointed by the tax bill, now before us; therefore, as to that officer, all that is wanting is to appoint the time of balloting for him. As to the second resolution, for the appointment of a Clothier General for the Delaware Regiment, we apprehend this was done by the appointment of Thomas Rodney, Esquire, in the resolutions, framed in your House and concurred in here, for the borrowing seven thousand five hundred dollars, on the credit of the State, and applying it for the purchase of clothing for that regiment, to which we beg leave to refer you. As to the third resolution, for the appointment of a Commissary of Prisoners, we agree to the same, and that such officer be elected by joint ballot.

The Council have been desirous of consulting Mr. Dickinson as to his willingness to undertake the business of a committeeman of the general accounts between this State and the United States, but have not had the opportunity since the coming of your resolution for his appointment to this House; but as that gentleman complains much of his want of health, we are induced to think he will decline the appointment, or that his indisposition will delay the immediate going on with this business, therefore we have proposed another person to be inserted in his stead, to wit: Mr. Daniel Robertson, one conversant in accounts, and residing in the Town of Dover.

The Council have returned the resolve for the appointment of committees for settling the accounts of the General Loan Office, disagreed to in the form it now stands, as each committee is to consist of three persons only, and two of these three are to be named by the House of Assembly, and the other by the Council, by an express provision in the late act for the emitting of an additional sum of twenty-five thousand pounds in Bills of Credit in this State, which the Council apprehend was not attended to by your honorable House.

Ordered, That the several foregoing resolutions, together with the transcribed amendment and the above message relative thereto, be also sent by Mr. Conwell to the House of Assembly.

Mr. Conwell, being returned, reported the delivery of the several papers committed to his charge, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for granting a free pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, was read a second time.

The same was read a third time by paragraphs, and some amendments were agreed to and ordered to be transcribed and sent by Mr. Baning to the House of Assembly for their concurrence.

Adjourned till to-morrow morning, 9 o'clock.

FRIDAY, A. M., May 15th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Baning now reported that he had delivered the bill for granting a free pardon, and the transcribed amendment thereto, to the House of Assembly, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

A bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, and for other purposes therein mentioned, was laid on the table, and, by order, read the first time.

By special order the same was a second time read and agreed to.

The bill for establishing a Militia within this State, being engrossed, was read and compared, and ordered to be signed by the Speaker, which was accordingly done.

The rules and articles for the better regulating of the Militia whilst under arms, being engrossed, was read and compared, and ordered to be signed by the Speaker, which was accordingly done.

Ordered, That Mr. Baning deliver the bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, &c., to the House of Assembly for their consideration and concurrence, and also return the two last mentioned bills, respectively signed by the Speaker of the Council.

Mr. Baning reported the delivery of these several papers according to order.

On motion,

Ordered, That the private printed copy of the Articles of Confederation and Union between the States of America, in the possession of the Speaker, be now read and taken into consideration, as there is little prospect of obtaining a certified copy of the same from Congress during the present sitting of the General Assembly.

And the same was accordingly read, and the further consideration postponed till to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 16th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Speaker a resolution of the House of Assembly for affixing the Great Seal to the Militia bill, and the rules and articles for the better regulating of the Militia, &c., with the following verbal message, viz:

"*Gentlemen:*

"The House of Assembly, being desirous to complete, as "speedily as possible, the Militia bill and the bill for raising one "hundred and twenty thousand dollars, &c., propose to the "Council that both Houses meet in the House of Assembly to-"morrow morning at 10 o'clock, to put in nomination persons "to be balloted for as lieutenants and sub-lieutenants for the "respective counties, and also a State Treasurer."

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the Militia bill, &c., was read and concurred in, and is as follows, viz:

"On motion,

"*Resolved*, That the President or Commander-in-Chief affix "the Great Seal of this State to the following bills, to wit:

"1. An act for establishing a Militia within this State," and

"2. Rules and articles for the better regulating of the Militia whilst under arms or embodied."

Mr. Hyatt is ordered to return the foregoing resolutions, with the concurrence of the Council thereto, and inform the House of Assembly that the Council have agreed to their proposition to meet them in the House of Assembly forthwith to put in nomination persons to be balloted for as lieutenants and sub-lieutenants for the respective counties.

Mr. Hyatt, being returned, reported his delivery of the paper and message committed to him according to order.

Mr. Patterson, a member of the House of Assembly, attending, was admitted and informed the Speaker that the House of Assembly were ready to receive the Council and proceed in the nomination aforesaid.

The Council then proceeded to the Assembly Room, and there met the House of Assembly, when several persons were put in nomination for the offices of lieutenants and sub-lieutenants for the respective counties, and their names taken down for the consideration of both Houses.

On motion,

Resolved, That the General Assembly now separate, and meet again at 3 o'clock this afternoon, in the Council Room, to ballot for the said officers out of the persons now put in nomination.*

Then the House of Assembly withdrew.*

Mr. Black, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for the further security of the Government, signed by the Speaker of the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Baning wait on the House of Assembly and inform them that the Council are now ready to receive them to ballot for lieutenants and sub-lieutenants.

Mr. Baning, being returned, reported that he had delivered the aforesaid message according to order.

* So recorded.

The House of Assembly, agreeable to the order of the day, met the Council in the Council Room, and having prepared tickets for the election of lieutenants and sub-lieutenants for the several Counties of this State, under the Militia law, and having put the same into a ballot-box, the Speakers of the two Houses, in the presence of the members, examined the box, and it appeared as follows: That there was a majority of votes in favor of George Evans, Esq., for Lieutenant for the County of New Castle, and a unanimous vote in favor of Henry Darby and Samuel Smith, Gentlemen, for sub-Lieutenants for the said County of New Castle; and that there was a unanimous vote in favor of Samuel West, Esquire, for Lieutenant for the County of Kent, and a majority of votes in favor of Francis Manny and Benj. Coombs, Gentlemen, for sub-Lieutenants for the said County of Kent; and that there was a majority of votes in favor of Henry Neill, Gentleman, for Lieutenant for the County of Sussex, and a majority of votes in favor of Nathaniel Waples and Charles Moore, Gentlemen, for sub-Lieutenants for the said County of Sussex.

Then the House of Assembly withdrew.

On motion,

Resolved, That the said George Evans be recommended to his Excellency, the President, to be commissioned lieutenant, and the said Henry Darby and Samuel Smith to be commissioned sub-lieutenants, under the Militia law, for the County of New Castle; and that the said Samuel West be recommended to the President to be commissioned lieutenant, and the said Francis Manny and Benjamin Coombs to be commissioned sub-lieutenants under the said law for the County of Kent; and that the said Henry Neill be recommended to the President to be commissioned lieutenant, and the said Nathaniel Waples and Charles Moore to be commissioned sub-lieutenants under the said law for the County of Sussex.

Ordered, That Mr. Bassett deliver the foregoing resolution to the House of Assembly for their consideration and concurrence.

Mr. Bassett, being returned, reported the delivery of the same according to order.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for raising one

hundred and twenty thousand dollars in the Delaware State for the year 1778, by a general tax, engrossed and signed by the Speaker of the House of Assembly.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., May 18th, 1778.

The Council met. Present all the members except Messrs. Jones, Clowes, and Vandyke.

Mr. Adams, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, &c., with three amendments proposed thereto by the House of Assembly, which were read and severally disagreed to; and thereupon a message from the Council to the House of Assembly, showing the reasons of their disagreement to the said amendments, was drawn up at the table, read and approved of, and is as follows, viz:

Gentlemen:

The Council having taken into consideration the three several amendments proposed by your honorable House to the bill to prevent dealing and furnishing the enemy with supplies, &c., have unanimously disagreed to them for the following reasons, to wit:

As to the first, for that no Prince or State, other than the French King, hath, as yet, to our knowledge, publicly avowed the independence of the United States, or entered into any treaty of commerce or alliance with them, and consequently ought not to be admitted to the same freedom of trade with our enemies in our ports as is especially stipulated in favor of the subjects of the French King by the 25th and 26th articles of the treaty of commerce lately entered into between the said King and the United States; and we apprehend that by the said first amendment all

neutral powers, so far as respects this State, will be considered as privileged to carry supplies, even to the port of Philadelphia while in the possession of the enemy, which we conceive ought not to be.

As to the second amendment, for that, by the resolve of Congress of the 23d of March, 1776, declaring what captures shall be adjudged prizes, express provision is made for the payment of seamen's wages, and the reason which, we presume, and have reason to believe, induced Congress to do so, operates with us to reject your said amendment, to wit: That seamen are a set of people extremely necessary and wanting in the service of the United States; that they are seldom much attached to any service, and that we ought not to consider those sailing in merchant vessels as enemies or parties in this dispute, but by paying their wages, though their ships are captured, we shall bias them to our cause and service, and make them more indifferent as to the fate of the vessels they may be in; besides, by this exclusion, as proposed, the seamen of wrecked vessels would be put upon a different footing from seamen of captured vessels, who will be entitled to their wages under the resolve of Congress.

As to the third amendment, for that the words therein proposed to be inserted in the bill are merely relative, and have not a proper subject of reference, as no special mode for division of the moiety allotted to the first possessor, or manner in which the prize should be secured, is pointed out, other than in the sentence where the amendment is proposed to be placed.

Ordered, That the said message be transcribed and sent by Mr. Bassett to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereof according to order.

Mr. Lockwood, a member of the House of Assembly, attending, was admitted and returned to the Chair the resolution of the Council empowering the President to commission lieutenants and sub-lieutenants under the Militia law, with the concurrence of the House of Assembly thereto.

Ordered, That the bill for raising £20,000 dollars within this State for the service of the present year, by a general tax, and also the bill for the further security of the Government, be now

respectively signed by the Speaker of the Council, which was accordingly done.

On motion, by order,

The account of Thomas Wilds, Goaler of Kent County, against the Delaware State, with the petition and proceedings of the House of Assembly thereon, were read the first time and ordered to lie over for consideration until to-morrow.

Adjourned to 10 o'clock to-morrow.

TUESDAY, A. M., May 19th, 1778.

The Council met. Present the same members as on yesterday.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following bills, to wit :

1. "An act for the further security of the Government," and

2. "An act for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax."

Ordered, That Mr. Baning return the foregoing bills, signed by the Speaker of the Council, to the House of Assembly, and also deliver the foregoing resolution for affixing the Great Seal thereto, for their concurrence, and the following message, viz :

Gentlemen :

We send you the bill for the further security of the Government, and also the bill for raising 120,000 dollars in the present year, by a general tax, signed by the Speaker of the Council, and recommend that some speedy method be adopted for furnishing the respective counties with copies of these bills when sealed and enacted into laws. Of the first of these not less than 54 copies will be wanted for the use of the Justices of the Peace in the several counties, and that forthwith, that they may be en-

abled to perform the duties required of them therein, and avoid the heavy penalty they are liable to for an omission of any of those duties, and there is but about six weeks allowed for the completing this business. As to the second act, three copies should be immediately made and sent to the Clerk of the Peace of each County, with directions to notify the Justices of the Peace that the special court ordered therein may be held on or before the tenth day of June next, otherwise the law will loose its operation.

Mr. Baning, being returned, reported the delivery of the several papers aforesaid according to order.

The Council now took into consideration the account and petition of Thomas Wild and the report of the committee of the House of Assembly thereon, and agreed to the said report, which follows in these words, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., May 6th, 1778.

"On motion,

"The House resolved itself into a committee of the whole to "take into consideration the petition and account of Thomas "Wild, Goaler of Kent County, and after some time spent "therein the Speaker resumed the chair and the chairman re- "ported from the committee that they had allowed to the said "Thomas Wild the sum of ninety-six pounds nineteen shillings "for the following services, viz:

"For subsisting five persons of the United States, .	£74	9	0
"For subsisting sundry deserters from the army of "the said States, ...	22	10	0
	"£96	19	0

"Which said report was agreed to by the House."

Thereupon

Resolved, That it be recommended to his Excellency, the President, to transmit a copy of the said Thomas Wild's account, for subsisting the British prisoners aforesaid, to Congress, or the Commissary General of Prisoners, as he may think fit, that this

State may be repaid the same by Congress, and for this purpose that the original account be lodged with the President.

Resolved also, That the original account of the said Thomas Wild, for subsisting deserters as aforesaid, be lodged with the President, and that he be required to transmit a copy thereof to the proper officers of the respective regiments to which such deserters belonged, that stoppages may be made out of their pay respectively, and this State enabled to charge the same to the United States.

Ordered, That Mr. Collins wait on the House of Assembly with the above resolutions for their concurrence, and return the account and petition of the said Thomas Wild and the report of the committee of the House of Assembly agreed to by the Council.

The committee appointed by the Council to view the place where the bridge mentioned in the bill before the House, upon the petition of Charles Pope, is proposed to be built, now reported that they had proceeded to the said place, and are of opinion that a bridge erected over Duck Creek there will be of public as well as private utility, if a road shall be opened from the north end thereof to the road leading from Salisbury town to the Thoroughfare, and that this ought to be done by and at the expense of the petitioner, as soon as the said bridge shall be erected; that the nearer the said bridge shall be placed to the upper side of the public wharf there, it will do the least injury to the owner of the land on the south side of the creek, and best answer the purpose of the petitioner; but that the same ought to be a drawbridge, to preserve an useful navigation above the place where, &c.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and returned the bill to prevent dealing and furnishing the enemy with supplies, &c., and delivered the following message, to wit :

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

"*Gentlemen :*

"The House of Assembly have received your message of yesterday, relative to the three several amendments proposed by this House to the bill to prevent dealing and furnishing the enemy with supplies, &c., and disagreed to by the Council, and, upon a reconsideration of the same, have receded therefrom.

"Signed by order of the House,

"SAM'L WEST, *Speaker.*

"Dover, May 19th, 1778."

Ordered, That the said bill be engrossed.

Mr. Molleston also delivered to the Chair a bill for regulating the fees of divers civil officers, &c., which, by order, was read the first time.

The Council now proceeded in the consideration of the bill to enable Charles Pope, his heirs, &c., and agreed to an amendment thereto.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly by Mr. Collins.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, A. M., May 20th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Collins now reported the delivery of the several papers committed to his charge, accordingto the order of yesterday.

The Speaker laid before the Council the resignation of William Killen, Esq., Chief Justice of the Supreme Court of this State, by a writing under his hand and seal, and also a letter from John Cook, Esquire, declaring his resignation as third Justice of the same Court.

Which, by order, were severally read; and thereupon the following address from the Speakers of the two Houses to the General Assembly was laid on the table, viz:

To the Honorable General Assembly of the Delaware State:

GENTLEMEN—In pursuance of the resolves of the General Assembly respecting the appointment of Justices of the Supreme Court in each County of the State, we, by a letter of the 11th instant, addressed to the Honorable William Killen and John Cook, two of the Justices of said Court residing in Kent County, requested of those gentlemen a resignaton of their commissions, that a nomination of persons to fill that Court, residing in each County of the State, might be made for the more speedy execution of the law, necessary under the present circumstances of the State, and at the same time transmitted copies of your said resolves. In answer to which we have received, through the hands of his Excellency, the President, the resignation of the Honorable William Killen, Esquire, Chief Justice of the said Court, by a writing under hand and seal, and a letter from the Honorable John Cook, Esquire, declaring his resignation as third Justice of the same Court, both of which papers we lay before you for your further order therein.

GEO. REED.
20 May, 1778. SAM'L WEST, *Speaker.*

Ordered, That Mr. Baning deliver the foregoing message and papers to the House of Assembly for their perusal.

The bill to prevent dealing and furnishing the enemy with supplies, &c., being engrossed, was read and compared and ordered to be signed by the Speaker; which was accordingly done.

On motion

Resolved, That the President and Commander-in-Chief affix the Great Seal of the State to the bill entitled "An act to prevent the inhabitants of this State from dealing and furnishing the enemy with supplies, and for other purposes therein mentioned."

Ordered, That Mr. Baning deliver the foregoing bill and resolution to the House of Assembly for their concurrence.

Mr. Baning, being returned, reported the delivery of the several papers committed to him according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and presented to the Chair a message from the House of Assembly to the Council.

On motion, by order, the foregoing message was read, and follows in these words, viz:

"*Gentlemen:*

"This House, having accepted of the resignation of the Hon-"orable William Killen and John Cook, Esq'rs, of their commis-"sions of Justices of the Supreme Court of this State, propose to "the Council that both Houses meet this forenoon, in the Coun-"cil Chamber, and put in nomination persons to be balloted for "as Justices of the said Court, in the room of the said William "Killen and John Cook, Esquires, and also of John Evans, Esq., "appointed second Justice of the same Court, who hath declined "to accept of the said appointment.

"Signed by order of the House,

"SAM'L WEST, *Speaker.*

"Dover, 20 May, 1778."

The Council, taking into consideration the proposition made by the House of Assembly of putting into nomination three persons to fill the offices of Justices of the Supreme Court within the State, in the stead of William Killen and John Cook, Esquires,

who have resigned, and John Evans, Esquire, who hath declined accepting under his former appointment, do agree to the same; and

Resolved, That persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, who hath declined accepting the same office, be put in nomination at the same time, and afterwards balloted for.

Ordered, That Mr. Baning wait on the House of Assembly with the foregoing resolution of the Council, for their concurrence, and inform them that the Council will be ready to receive them forthwith.

Mr. Baning, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Armstrong, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following verbal message, viz:

"*Gentlemen:*

"As your honorable House have concurred in a resolution of "the 12th instant, for the appointment of a Commissary General "of Prisoners, the Assembly propose that nomination of persons "to be balloted for to fill that office be made at the same time "that the General Assembly proceed in the nomination of per-"sons for Justices of the Supreme Court.

"This House do not consider the appointment of a Clothier "General to be supplied by the appointment of Thomas Rodney,

"Esquire, in the resolution of both Houses of the 20th of April "last, for the borrowing seven thousand five hundred dollars "on the credit of the State, &c.; but are of opinion that the "appointment of Mr. Rodney is only temporary, and for the "special service of completing the clothing of the Delaware "Regiment at present. If the Council should view this matter "in the same light the House of Assembly does, and are of "opinion that the appointment of a Clothier General is neces- "sary, this House propose likewise to put in nomination, at the "same time, persons to be balloted for to fill that office."

Whereupon, in answer thereto, the following message was prepared and sent to the House of Assembly by Mr. Conwell:

Gentlemen:

The Council can put no other construction on the resolution of the 20th ultimo, mentioned in your verbal message of this afternoon, than is expressed therein, to wit: "That the said sum of seven thousand five hundred dollars be put into the hands of Thomas Rodney, Esquire, for the purpose of completing the purchase of clothing for the Delaware Regiment;" and however temporary this appointment may be considered to be, yet the business is not begun, and we apprehend that the appointment of a Clothier General, whose duty must be the same, will supercede this act, so recently done, which would make our proceedings rather exceptionable, and this is what we wish to avoid, for the Council think with the Assembly that such an officer is necessary, and have no other objection than what is above expressed.

Mr. Conwell, being returned, reported the delivery of the above message according to order.

The Doorkeeper informed the Chair that the House of Assembly were waiting to be admitted, and they were admitted accordingly.

The Council and House of Assembly being met in the Council Room to put in nomination three persons to be balloted for as Justices of the Supreme Court, in the stead of William Killen, John Cook, and John Evans, Esquires; a Chief Justice of the Court of Common Pleas and Orphans' Court, in the room of Thomas Tilton, and also a Commissary General of Prisoners for the State, agreeable to the order of the day,

Ordered, That Messrs. Ridgely, Bryan, Kollock, Bassett, and Hyatt be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly are now met in the Council Room for the purpose of putting in nomination persons who may be balloted for as Justices of the Supreme Court of this State; a Chief Justice of the Court of Common Pleas and Orphans' Court, and a Commissary General of Prisoners, and request his attendance at the nomination, if he think proper.

The committee, being returned, reported that his Excellency, the President, said that he would wait on the General Assembly immediately.

The President attended in the General Assembly; then the members proceeded to put in nomination divers persons to fill the said offices, whose names were taken down for the consideration of the members of both Houses. The President then withdrew.

On motion,

Resolved, That the General Assembly now separate and meet at 9 o'clock to-morrow morning, in the Council Room, to ballot for the said officers out of the persons now put in nomination.

Then the House of Assembly withdrew.

The Council adjourned to 9 o'clock to-morrow morning.

THURSDAY, A. M., May 21st, 1778.

The Council met, and being informed that, by the going away of divers members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of their attendance before Monday next, the Speaker of the Council applied for leave of absence for ten days, and it is granted to him. Then the Council adjourned to 10 o'clock on Tuesday morning next.

TUESDAY, A. M., May 26th, 1778.

A sufficient number to compose a House not attending, the Council adjourned from day to day until Friday, the 29th of the same instant.

FRIDAY, A. M., May 29th, 1778.

The Council met, and being informed that a sufficient number of members of the House of the Assembly were not in town, and that it was uncertain when they might be expected, adjourned till Wednesday, the first day of July next.

MINUTES OF COUNCIL.

JUNE, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, JUNE, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Wednesday, the seventeenth day of June, Anno Domini 1778, a sufficient number of the members to form a House not attending, the Council adjourned from day to day until Friday, the 19th instant.

FRIDAY, June 19th, 1778.

The following members appeared in the Council, viz :

For New Castle County—Nicholas Vandyke, Peter Hyatt.

For Kent County—Richard Bassett, John Baning.

For Sussex County—John Jones, John Clowes, William Conwell.

George Read, Esquire, Speaker of the Council, not attending, the Council proceeded to the choice of a Speaker *pro tempore*, and Nicholas Vandyke, Esquire, was unanimously chosen. The Speaker took the Chair.

Mr. Lewis, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

"*Gentlemen :*

"The sudden separation of the House of Assembly previous "to the time appointed by the General Assembly at their last "sitting for the election of Justices of the Supreme Court, a "Chief Justice of the Court of Common Pleas and Orphans' "Court for the County of Kent, and a Commissary General of "Prisoners, prevented the appointment of those officers ; yet, as "a nomination of persons qualified to fill said offices has been "already made, and the public welfare demanding their ap- "pointment speedily, this House propose to meet the honora- "ble Council to-morrow morning at 10 o'clock, in the Council "Chamber, to ballot for the said officers."

Whereupon the following verbal message from the Council to the House of Assembly, in answer to the above, was drawn up at the table :

Gentlemen :

The Council, taking into consideration the proposition made by the House of Assembly, in their verbal message of this day, to meet to-morrow morning at ten o'clock, in the Council Chamber, to ballot for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court in the County of Kent, and a Commissary General of Prisoners for the State, do agree to the same.

Ordered, That Mr. Conwell wait on the House of Assembly with the concurrence of the Council to their proposition aforesaid.

Ordered, That Mr. Jones and Mr. Bassett be a committee to wait on his Excellency, the President, and acquaint him that the Council are now sitting and are ready to receive any business which he may have to lay before them.

On motion, by order,

The bill for regulating the fees of divers civil officers, &c., was read the second time and deferred for consideration until to-morrow.

Adjourned to 9 o'clock to-morrow.

SATURDAY, A. M., June 20th, 1778.

The Council met. All present as on yesterday.

Mr. Conwell now reported that he had waited on the House of Assembly according to the order of yesterday.

The committee appointed to wait on his Excellency, the President, now reported that they had delivered the message committed to them, according to the order of yesterday, when the President was pleased, in answer, to say that he had no particular business to lay before the Council, but strongly recommended to them the finishing of the business which was left undone at their last sitting; and added that if any papers which concerned the public should come to his hands whilst the Council were sitting he would immediately lay them before the Council.

Ordered, That Mr. Baning wait on the House of Assembly and inform them that the Council are now sitting and are ready to receive them for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court in Kent County, and a Commissary General of Prisoners for the State, out of the persons before put in nomination.

Mr. Baning, being returned, reported the delivery of the above message according to order.

The House of Assembly now attended for the purpose of balloting for the said officers, and were admitted.

Ordered, That Messrs. Jones, Clowes, Stout, Bryan, and Hall be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly are now met in the Council Chamber for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and a Commissary General of Prisoners for this State, and request his attendance, if he choose to be present, at the balloting.

The committee, being returned, reported that they had waited

on his Excellency, the President, with the above message, when he was pleased to say that he would attend the General Assembly immediately.

The President attended in the General Assembly; then the President and General Assembly proceeded to the choice of the said officers severally, by joint ballot, and the box containing the ballots being examined by the Speaker of each House, in the presence of the President and the members thereof, it appeared that—

William Killen, Esq., was duly elected Chief Justice of the Supreme Court for this State;

David Finney, Esq., was duly elected second Justice of the said Court; and

John Jones, Esq., was duly elected third Justice of the said Court;

Thomas Rodney, Esq., was duly elected Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent; and

George Craghead, Esq., was duly elected Commissary General of Prisoners for this State.

On motion, agreed that the General Assembly now separate.

Then the President and the House of Assembly withdrew, and the Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the bill for regulating the fees of the civil officers, &c., and after some time spent therein, thereupon

Resolved, That the said bill be referred to a committee of two to examine and report thereon on Monday next.

The members chosen: Mr. Jones and Mr. Clowes.

Adjourned to 10 o'clock on Monday next.

MONDAY, A. M., June 22d, 1778.

The Council met. All present as on Saturday, and also Mr. Hyatt.

The committee to whom was referred the bill for regulating the fees of the civil officers, &c., now delivered in their report at the table, which, by order, was read the first time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the report of the committee on the bill for regulating the fees, &c., and some amendments being agreed to, the same was deferred for further consideration till to-morrow.

Adjourned to 10 o'clock to-morrow.

TUESDAY, A. M., June 23d, 1778.

The Council met. All present as on yesterday.

The Council now resumed the consideration of the amendments reported to the bill for regulating the fees, &c., by the committee, and after sundry debates, the question being put, whether the allowance of the members of the General Assembly, the Clerks of the two Houses, and the members of the Privy Council, for their attendance, should be a fixed sum, or, whether their expenses should be paid by the public, the Council were equally divided.

On motion of Mr. Bassett, that the yeas and nays on the said question be entered on the minutes, the same were ordered, and are as follow, to wit :

For the affirmative— Mr. Bassett, Mr. Baning, Mr. Hyatt.

For the negative—Mr. Jones, Mr. Clowes, Mr. Conwell.

And thereupon the Speaker gave the casting vote in the negative.

Mr. Patterson, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill for a free pardon, &c., with a paper of amendments proposed thereto by the House of Assembly.

The same member delivered to the Chair a resolution of the House of Assembly for the appointment of committees for settling the Loan Office accounts, and also a resolution to adjourn on Thursday next.

The Council now proceeded in the consideration of the bill for regulating the fees, &c., and the amendments reported thereto, and after some time spent therein the same was postponed until the afternoon for further consideration.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council again proceeded in the consideration of the bill for regulating the fees, &c., and the amendments reported thereto by the committee, and the said amendments were all acceded to, and ordered to be transcribed and sent therewith to the House of Assembly for their concurrence.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An

act for aiding the discontinuance of the process in the Supreme Court of this State."

On motion, by order, the said bill was read the first time.

By special order the same was read the second time and agreed to by the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the bill for regulating the fees of divers civil officers, &c., and the amendments proposed thereto by the Council; and also return the bill for aiding the discontinuance of the process in the Supreme Court of this State, agreed to by the Council.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the aforesaid papers according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill to enable Charles Pope, his heirs, executors or administrators, to erect a bridge over Duck Creek, with the amendments proposed thereto by the Council; and also the following message from the House of Assembly to the Council relative to the said amendments, to wit:

"*Gentlemen:*

"The House of Assembly have taken into consideration the "amendments proposed by your honorable House to the bill to "enable Charles Pope, his heirs, executors or administrators, to "erect a bridge over Duck Creek, and have acceded to the first. "Your second amendment this House have not agreed to, be- "cause they conceive it would be a particular hardship upon the "said Charles Pope to oblige him to lay out a road, at least a "mile through his lands, without receiving any compensation by "way of damages, as they apprehend that the bridge intended "to be erected by him will be of public utility. The Assembly "therefore flatter themselves that the honorable Council, upon a "reconsideration of the said amendments, will recede therefrom.

"Signed by order of the House,

"Dover, June 22, 1778. SAM. WEST, *Speaker.*"

Which, by order, was read.

On motion, by order, the resolution of the House of Assembly for the appointment of committees for settling the Loan Office accounts, was read the first time.

On motion, by order, the resolution of the House of Assembly respecting an adjournment, was read the first time.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for a free pardon, &c., and after some time spent therein the same was postponed until to-morrow.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, A. M., June 24th, 1778.

The Council met. All present as on yesterday, except Mr. Bassett, who is sick.

The Council resumed the consideration of the amendments proposed by the House of Assembly to the bill for a free pardon, &c., and the same being severally acceded to, a further amendment to the said bill was proposed by the Council, agreed to, and ordered to be transcribed and sent to the House of Assembly.

The Council, taking into a reconsideration the second amendment proposed by them to the bill to enable Charles Pope, his heirs, executors, &c., to erect a bridge over Duck Creek, and disagreed to by the House of Assembly, do recede therefrom.

Ordered, That Mr. Baning wait on the House of Assembly with the foregoing bill and its amendments and inform them that the Council had receded from their second amendment.

Mr. Baning, being returned, reported that he had waited on the House of Assembly, according to order, with the aforesaid papers.

On motion, by order,

The resolution of the House of Assembly for the appointment of committees to settle the Loan Office Accounts, was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., June 21st, 1778.

"The House, taking into consideration that part of the mes-"sage from the Council of the 14th of May last, objecting to the "resolution of this House, of the 1st of the same month, for the "appointment of committees for settling the accounts of the "General Loan Office, concurred therein, and thereupon

"*Resolved*, That David Finney and John Thompson, Esq'rs, "be appointed, on the part of this House, a committee for the "County of New Castle; William Killen and James Sykes, "Esquires, a committee for the County of Kent; and William "Peery and John Clowes, Esquires, a committee for the County "of Sussex, for the purpose of settling and adjusting the accounts "of the respective Loan Offices and Military Treasurers within "this State, and also the accounts of a Committee of Safety, "formerly for the County of Sussex, agreeable to two resolu-"tions of this House of the aforesaid 1st of May.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

And thereupon the Council, on their part, have nominated Samuel Patterson, Esquire, for the County of New Castle; Eleazar McComb, Gentleman, for the County of Kent; and Joseph Hazzard, Gentleman, for the County of Sussex, in addition to the number chosen by the House of Assembly, for the purpose aforesaid.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing resolution, with the concurrence and appointment of the Council thereto.

Mr. Conwell, being returned, reported the delivery thereof according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Derrickson, a member of the House of Assembly, attending, was admitted and delivered to the Chair the Fee Bill, with the amendments proposed thereto by the Council, severally acceded to by the House of Assembly, except that part of the first which relates to the allowance to the Justices of the Courts of Common Pleas, &c., and an additional clause, proposed by way of amendment to the said bill by the House of Assembly, accompanied with a message from that House to the Council relative to the same.

The same member also delivered to the Chair a resolution of the House of Assembly for filling up the blanks, left for the commissioners' names, in the bill for a free pardon, &c.

On motion, by order, the message relative the amendments proposed by each House to the Fee Bill, was read the first time, and is as follows, viz :

"*Gentlemen :*

"The Assembly have taken into consideration the amend-"ments proposed by your honorable House to the bill for regu-"lating and establishing the Fees of divers Civil Officers of this "State, and for other purposes therein mentioned, and have "agreed to all the said amendments except that part of the first "which makes the fees allowed to the Justices of the Courts of "Common Pleas and Orphans' Courts and the Registers for "the Probate of Wills double the sums allowed the said Justices "and Registers by an act of Assembly of this State, passed the "third day of November, one thousand seven hundred and sev-"enty, entitled 'An act for regulating and establishing Fees,' "which they have rejected, because they conceive the salaries "the said Justices, by an act of Assembly of this State, passed "the twenty-second day of February, one thousand seven hun-"dred and seventy-seven, when added to the sums allowed by "the first recited act, will make ample provision for defraying

"the expenses incurred by the said Justices while attending the "business cognizable before their Courts, and because they con- "ceive the office of Register for the Probate of Wills is a lucra- "tive post, and the execution thereof not necessarily attended "with any great expense.

"The Assembly have also added another clause to the bill for "defraying the expenses incurred by the Justices of the Supreme "Court during the sitting thereof, and for allowing them fees for "services by them to be done, for which no provision hath here- "tofore been made, which they flatter themselves will be acceded "to by your honorable House.

"Signed by order of the House,

"Dover, June 24, 1778. SAM. WEST, *Speaker.*"

On motion, by order,

The resolution of the House of Assembly for filling up the blanks, left for the commissioners' names, in the bill for a free pardon, &c., was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"WEDNESDAY, P. M., June 24, 1778.

"On motion,

"*Resolved*, That the blanks, left for the names of the commis- "sioners, in the bill entitled 'An act of free pardon and oblivion, "and for other purposes therein mentioned,' be filled up as fol- "lows, viz:

"For New Castle County—William M. Clay, Gentleman.
"For Kent County—The Honorable Samuel West, Esquire.
"For Sussex County—Levin Derrickson, Esquire.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., June 25th, 1778.

The Council met. All present as on yesterday.

On motion, by order, the message from the House of Assembly to the Council of yesterday was read a second time; whereupon the following answer was drawn up at the table, read and agreed to, to wit:

Gentlemen:

The Council have taken your message of yesterday, relative to the amendments proposed by Council to the bill entitled "An act for regulating and establishing the Fees of divers Civil Officers, &c.," and the amendments proposed by your honorable House to said bill, into consideration, and have receded from their first amendment, proposing to strike out all the words of the clause in the second page of the aforesaid bill which follow the word [the] in the 3d line next before the word [Justices], and agree that they shall stand after the other words by Council proposed to be added to that exception.

We have also agreed to your proposed amendment with the following alterations, to wit: Dele the words [said act for establishing fees] and insert [by the laws of this State]; also add the words [and Court of Oyer and Terminer and General Goal Delivery] after the word [Court] in the fourth line of said amendments. Dele the word [Supreme], in the third line of the enacting clause, and add the letter [s] to the next word. Dele the words [the State], in the line next following, and insert these words: [by the respective counties where the said Courts shall be held]. Dele the words [above-recited act] and insert [by the laws of the State]. Dele the word [the] and insert the word [such]; and also dele the words [in which they respectively reside].

Ordered, That Mr. Conwell wait on the House of Assembly with the above message, and return the bill for regulating the fees, &c., with its amendments.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

Ordered, That Mr. Hyatt wait on the House of Assembly with the bill for a free pardon, &c., and its amendments, and inform them that the Council have agreed to the amendments proposed by them to the said bill, and have also proposed a further paper of amendments to the same.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Clark, a member of the House of Assembly, attending, was admitted and returned the bill for a free pardon, with the amendments proposed to the same by the Council acceded to by the House of Assembly.

The same member delivered to the Chair "A bill to prevent the exportation of provisions from this State beyond the seas."

On motion, the pardon bill was read and passed the Council, and thereupon

Ordered, That the bill for a free pardon be engrossed.

On motion, by order, the bill to prevent the exportation of provisions, &c., was read the first time.

By special order the same was read the second time and passed the Council.

Ordered, That Mr. Conwell return the same to the House of Assembly, and inform them that the Council have agreed thereto.

Mr. Conwell reported that he had returned the said bill according to order.

Mr. Derrickson, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz:

"The House of Assembly finding they cannot, this evening, "finish the business before them, have agreed to postpone the "adjournment of the General Assembly until to-morrow after-"noon."

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., June 26th, 1778.

The Council met. Present the same members as on yesterday.

The bill for a free pardon, &c., being engrossed, was read and compared, and ordered to be sent by Mr. Clowes to the House of Assembly for comparison, and to be signed by the Speaker of that House, together with the resolution for filling up the blanks left for the names of the commissioners in the said bill, in which the Council had concurred.

Mr. Clowes, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

Mr. Ridgely, a member of the House of Assembly, attending, was admitted and delivered to the Chair the several bills passed this session, severally signed by the Speaker of the House of Assembly, together with the amendments to each, and a resolution of that House for affixing the Great Seal to the said bills.

The same member also delivered the resolutions of the House of Assembly for procuring the records and public papers of this State, and lastly the resolutions of Assembly of the 25th June, 1778.

On motion, by order, the resolution of the House of Assembly for affixing the Great Seal to the several bills passed this session was read and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., June 26th, 1778.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following bills, to wit:

"1. 'An act of free pardon and oblivion, and for other pur- "poses therein mentioned;'

"2. 'An act to prevent the exportation of provisions from "this State beyond the seas;'

"3. 'An act for aiding the discontinuance of the process in "the Supreme Court of this State;'

"4. 'An act for regulating and establishing the fees of divers "civil officers of this State, and for other purposes therein men- "tioned;'

"5. 'An act to enable Charles Pope, of the County of Kent, "his heirs, executors or administrators, to erect a bridge over "Duck Creek.'"

On motion, by order, the resolutions of the House of Assembly for procuring the records and public papers of this State were read and concurred in, and follow in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., June 26, 1778.

"WHEREAS the records and public papers of this State and "the County of New Castle have fallen into the hands of the "British troops, lately in the City of Philadelphia, in the Prov- "ince of Pennsylvania, and may yet remain there; in order, "therefore, to recover the same, if possible,

"*Resolved*, That the President of this State be empowered to "appoint a proper person or persons to go to said city for the "purpose aforesaid, to make inquiry for and demand and receive "and secure such records and public papers from any person or "persons in whose hands or possession the same, or any of them,

"may be, and this House will defray all expenses that may be "necessarily incurred in said business.

"*And whereas* this House stands well informed that George "Stephenson, Esquire, formerly a Surveyor in the Counties of "New Castle and Kent, and now an inhabitant of Pennsylvania, "hath in his possession many original warrants and other papers "concerning the rights to land in this State,

"*Resolved*, That the President be desired to appoint some "proper person to go to and demand and receive of the said "George Stephenson all warrants and other papers concerning "the titles of land, or other public papers belonging to this "State, that may be in his possession; and that he cause the "same papers, when received, to be safely lodged in the Re- "corder's Office of Kent County till the General Assembly shall "otherwise direct.

"*Resolved*, That the President be empowered to draw upon "the Trustee of the Loan Office in any county of this State for "such sum or sums of money as may be necessary for this ser- "vice, and this House will devise ways and means to replace the "same."

On motion, by order,

The resolutions of the Assembly of the 25th June, 1778, were read and concurred in, and are as follows, viz:

"In the House of Assembly,
"Thursday, A. M., June 25th, 1778.

"On motion,

"*Resolved*, That his Excellency, the President, be empowered "and requested to give the necessary orders for the payment of "the debts due to the Militia of this State, according to the re- "solves of the General Assembly thereof.

"That he draw out of the Loan Offices of this State, or any "of them, such sums of money as may be necessary for carrying "into execution a resolve of the General Assembly empowering "his Excellency to procure arms and ammunition and to employ "an armourer, and this House will devise ways and means for "replacing the same.

"That a transcript of the appointment by the General As-"sembly of a Commissary General of Prisoners for this State be "made out for the said Commissary, and signed by the Speakers "of both Houses, and that the President be empowered to pay "into the hands of the said Commissary General such sum or "sums of money as he may want for the purchasing provisions "for the use of prisoners and for defraying the expense of the "same out of any money that may be in any of the Loan Offices "in this State not yet appropriated."

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That the several bills passed this session be now signed by the Speaker of the Council.

Which was done accordingly ; and thereupon the Council, on their part, do appoint Mr. Jones and Mr. Clowes to be a committee, to join with a committee of the House of Assembly, to wait on his Excellency, the President, with the said bills and see him affix the Great Seal thereto.

Ordered, That Mr. Clowes return the said bills and the three last mentioned resolutions, severally signed by the Speaker of the Council, to the House of Assembly, and inform them of the appointment aforesaid.

Mr. Clowes, being returned, reported that he had waited on the House of Assembly with the papers committed to him, and informed them of the appointment aforesaid, according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and informed the Chair that the House of Assembly had acceded to their appointment, and have named, on the part of the House of Assembly, Messrs. Patterson, Ridgely,

and Hall to join the said committee of Council for the purpose aforesaid.

The committee, being returned, reported that they had waited on his Excellency, agreeable to order, and that he affixed the Great Seal of this State to the laws in their presence.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of that House empowering the President to draw for monies allowed by the General Assembly, with an account for services done by James Booth, Esquire, as Secretary, amounting to £54 : 4 : 0.

On motion, by order, the foregoing resolution was read and concurred in, and follows in these words, viz :

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., June 26th, 1778.

"On motion,

"*Resolved*, That the President or Commander-in-Chief be empowered to draw out of the Loan Offices of this State, or any of them, such sum or sums of money as have been agreed by the General Assembly to be due to any person or persons for services rendered this State.

"On motion, by order, the account of James Booth, Esquire, for services done as Secretary, was read and allowed."

Ordered, That the foregoing resolution, with the concurrence of the Council thereto, and the said account, be returned to the House of Assembly by Mr. —.

Who, being returned, reported the delivery of the same according to order.

The Council allowed the following accounts, brought in at this sitting, for services rendered the State, viz :

	£	s.	d.
To Mr. French Battell, for the expenses incurred by the members of the Council, as per account filed,	1018	0	0
To George Read, Esq., . . for mileage, &c., . . .	21	17	9
Carried over, ...	£1039	17	9

Brought over, ...	£1039	17	9
To Thomas Collins, Esq., " " . . .	14	3	9
To Nicholas Vandyke, Esq., " " . . .	24	17	1
To Richard Bassett, Esq., " " . . .	13	15	9
To John Baning, Esq., " " . . .	13	15	9
To William Conwell, Esq., " " . . .	16	1	4
To John Clowes, Esq., " " . . .	43	5	0
To Peter Hyatt, Esq., " " . . .	18	12	0
To John Jones, Esq.. " " . . .	39	1	1
To Benjamin Vining, Esq., Clerk of the Council, . .	32	12	6
To John Smithers, Doorkeeper, ...	12	0	0
	£1268	2	0

Resolved, That an order be drawn and signed by the Speaker for the payment of the said sum of £21 : 17 : 9 to George Read, Esq., on the Trustee of the Loan Office of New Castle County, and that orders be drawn and signed by the Speaker on the respective Trustees of the Loan Offices of Kent and Sussex Counties for the payment of the remaining sums.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned to the 10th day of August next, to meet at the Town of Dover.

In a note to the above the Clerk says: "N. B.—The General Assembly did not meet again this year, notwithstanding their adjournment." From what follows it may be inferred that the allusion is to the official year, the time for convening the General Assembly being the third Monday in October.

MINUTES OF COUNCIL.

OCTOBER, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the nineteenth day of October, Anno Domini one thousand seven hundred and seventy-eight, a sufficient number of members to compose a House not attending, the Council adjourned from day to day until Wednesday, the 28th day of October, 1778.

WEDNESDAY, A. M., October 28th, 1778.

The following members appeared in the Council, viz:

For New Castle County—Peter Hyatt.

For Kent County—Thomas Collins, Richard Bassett.

For Sussex County—John Clowes.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Councillor to fill the seat of Nicholas Vandyke, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that Samuel Patterson, Esq., was elected a member of the Council for the County of New Castle, in the room of the said Nicholas Vandyke, on the first day of this instant, October.

Mr. Patterson appeared in the Council.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor being laid on the table, it

appears that John Baning, Esq., whose seat became vacant on the first day of October last by rotation, was reëlected a member of the Council for the County of Kent, on the first day of this instant, October.

Mr. Baning appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor being laid on the table, it appears that William Conwell, Esq., whose seat became vacant on the first day of October last by rotation, was reëlected a member of the Council for the County of Sussex, on the first day of this instant, October.

Mr. Conwell appeared in the Council.

And it also appears by the said return that the freeholders and electors of the said county did elect, choose, nominate and appoint William Polk, Esq., of said county, to represent the freemen of the county aforesaid in the Legislative Council of the Delaware State, in the room of John Jones, Esq., late a member thereof, and whose seat is vacated by reason of the said John Jones being appointed one of the Justices of the Supreme Court for said State.

Mr. Polk appeared in the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and proceeded to the choice of a Speaker, and Thomas Collins, Esq., was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk, and Benjamin Crooks Doorkeeper and Sergeant-at-Arms to the Council.

Messrs. Patterson, Baning and Conwell, three members chosen at the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitu-

tion of this State, and then took their seats in the Council. [*See note on page 10.*]

Benjamin Vining appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [*See note on page 11.*]

Upon the question, whether William Polk, Esquire, can be admitted a legal member of the Council under the Sheriff's return and the present Constitution or form of Government, there having been no writ issued by the Speaker of the Council for the election of a Councillor in the room of John Jones, Esq., whose seat became vacant by the acceptance of an office, the Council are equally divided.

On the motion of Mr. Bassett, that the yeas and nays be entered on the said question upon the minutes, they are as follows, to wit:

For the affirmative—Mr. Clowes, Mr. Hyatt, Mr. Conwell.

For the negative—Mr. Bassett, Mr. Baning, Mr. Patterson.

And thereupon the Speaker gave the casting vote in the negative.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the Assembly, dated Oct. 23d, 1778, and inclosing a letter from the President of Congress, dated 10th July, 1778, with three acts of Congress, one passed the 2d day of Oct., 1778, for continuing the present embargo on provisions until the last day of January, 1779, and for other purposes therein mentioned; a second, an act passed the 5th Oct., 1778, for exchanging, with Continental Currency, such local Bills of Credit as have been received in the Loan Offices of each State respectively; a third, an act passed the 12th of the same instant, for encouraging true religion and good morals, and for the suppression of such entertainments as have a contrary tendency; which, by order, were read the first time, and the said message follows in these words, to wit:*

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* This message and sundry other documents, hereafter mentioned, do not appear in connection with the rough journal from which the proceedings of the

The same member delivered to the Chair three petitions from the County of Sussex, complaining of undue influence used at the late election in that county, with a list of the witnesses who are to be summoned to prove the facts alleged in the said petitions, which, by order, were read the first time.

The same member also delivered to the Chair a resolution of the House of Assembly for the sale of the barracks at Wilmington, which, by order, was read the first time; and a resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to divers persons therein mentioned, which, by order, was read first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., October 29th, 1778.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to the persons therein mentioned, was read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

On motion, by order, the resolution of the House of Assembly, for the sale of the barracks at Wilmington, was read a second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., Oct. 28, 1778.

"On motion of Captain John Lea,

Council, from Oct. 20 to Dec. 3d, 1778, inclusive, are copied. The completed journal for that period was not found when these papers were collected.

"That some person or persons be nominated and appointed to "dispose of and sell the barracks now at the fort on Christiana "Creek, for the use of the State, and make return thereof to the "General Assembly, it being alleged that they are now unneces- "sary for the use of said fort, and are exposed to be carried away "and destroyed; thereupon

"*Ordered*, That Captain John Lea be and he is hereby em- "powered to make public sale of the said barracks, and that he "make return of his proceedings in the premises to the General "Assembly at their next meeting."

Ordered, That Mr. Clowes return to the House of Assembly the resolution for the sale of the barracks at Wilmington, concurred in by the Council; and also the resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to the persons mentioned therein, with the amendments proposed thereto by the Council.

Mr. Clowes, being returned, reported the delivery of the said papers according to order.

On motion, by order, the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, were read the second time, and thereupon

Ordered, That Friday, the 30th day of this instant, be the day assigned for hearing the said petitioners, and that summons issue for the several persons whose names are returned to the Council by the Assembly as witnesses, requiring their attendance to support said petitions, returnable the day aforesaid, and also that notice of the day of said hearing be given to said petitioners by the Sergeant-at-Arms.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That the Speaker issue summons for John Plowman, Luke Watson, Emanuel Dodd, Samuel Laverty, John Hooper, Obadiah Smith, Jeremiah Cannon, Henry King, Levin Cannon, Joshua Obeer, Robert Cannon, George Polk, John Laws, and William Watson, all of the County of Sussex, to appear before the Council on Friday, the 30th instant, then and there to testify, and declare all such matters and things as they know concerning the petitions complaining of undue influence used at the election held on the 1st day of October last at Lewes-town, in Sussex County aforesaid; and that notice of the day of hearing be given to John Wiltbank, Thomas Evans, John Laws, and Isaac Smith, Esquires, four of the said petitioners, agreeable to the aforesaid order.

Summons were accordingly issued, returnable on Friday, the 30th instant, and notice given to the said petitioners.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., October 30th, 1778.

The Council met. Present the same members as on yesterday.

The Sergeant-at-Arms now made his return of the said summons, which, by order, was read, and thereupon, on motion,

Resolved, That the said petitioners, John Wiltbank, Thomas Evans, John Laws, and Isaac Smith, Esquires, be admitted into the Council Chamber, to hear the testimony adduced in support of the said petitions.

On motion,

Resolved also, That the door of the Council Chamber be opened; and they were opened accordingly.

The Council then took into their deliberation what mode of taking the examination of the said witnesses would be the most expeditious, and, after some time spent therein, came to the following resolution, viz:

Resolved, That, for the dispatch of business and saving of time, the testimony be delivered *ore tenus*.

Then the said witnesses were produced before the Council and severally examined, and, being examined, were discharged.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., Oct. 31st, 1778.

The Council met. Present the same members as on yesterday.

The Council resumed the consideration of the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, and, after hearing the petitioners and witnesses adduced to support the complaint,

Resolved, That there was no undue influence used at the said election, and that the aforesaid petitions are groundless and without the least foundation.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair two resolutions of the House of Assembly, the one a resolution for the appointment of a Committee for Public Accounts, the other a resolution for the appointment of a Committee of Claims on Forfeited Estates, &c.

On motion, by order,

The resolution of the House of Assembly for the appointment of a Committee of Claims on Forfeited Estates, &c., was read the first time.

By special order the same was read the second time and concurred in, and is as follows, viz :*

And thereupon

Resolved, That a committee of two be appointed on the part of the Council to join with the committee of the House of Assembly.

And, on motion, Messrs. Patterson and Hyatt are appointed for this purpose.

On motion, by order,

The resolution for the appointment of a Committee for Public Accounts was read the first time.

By special order the same was read the second time and concurred in, and is as follows, viz :*

And thereupon

Resolved, That a committee of two be appointed on the part of the Council to join with the committee of the House of Assembly.

And, on motion, Messrs. Baning and Hyatt are appointed a committee for this purpose.

Dr. Hall, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the House of Assembly, dated October 29th, 1778, which, by order, was read and follows in these words, viz :*

The same member also delivered to the Chair a joint resolution of both Houses, in June last, empowering the President to appoint one or more persons to go to Philadelphia in quest of the records and public papers of this State captured by the enemy in September, 1777, with the President's appointment of General Patterson for this service, and also General Patterson's account of expenses incurred in procuring the said papers, with lists of and receipts for the same from the different officers in New Castle County, to whom they were delivered, which, by order, were severally read.

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* See note on page 315.

The same member also delivered to the Chair a joint resolution of both Houses, in June last, for procuring public records from Geo. Stevenson, Esq., with the President's appointment of William Manlove for this service, Manlove's account of expenses in procuring the same, and Geo. Stevenson's receipt for money paid him by William Manlove for the safe keeping of the said papers, which, by order, were severally read.

The same member also delivered to the Chair a resolution of the House of Assembly for allowances to General Patterson and William Manlove for their services and expenses in procuring public papers, which, by order, was read the first time.

By special order the same was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., Oct. 30, 1778.

"The House of Assembly took into consideration the account "of Samuel Patterson, Esq., for cash paid by him for procuring "part of the public papers of this State and of the County of "New Castle, and for his expenses at Philadelphia during that "service, amounting to £102 : 16 : 6, and the same was allowed "by the House.

"Mr. Speaker laid before the House of Assembly an account "of William Manlove, who was appointed by the President, in "pursuance of joint resolutions of both Houses made in June "last, to demand and receive of George Stevenson, Esquire, all "public papers concerning the title of lands in this State, for "cash paid to the said Stevenson for those papers, the sum of "£50, and for his expenses in going to Lancaster and Carlisle, "in Pennsylvania, in the execution of that service, £50. The "House, taking the said account into consideration, allowed the "said sum of one hundred pounds to the aforesaid William "Manlove.

"Extract, &c. J. B."

Mr. Waples, a member from the House of Assembly, attending, was admitted and delivered to the Chair a commission of Alex. Stewart as 2d Lieutenant of the Delaware Regiment, with his resignation of the same endorsed thereon, and his petition to

the General Assembly, praying to be reimbursed his expenses necessarily incurred while he was a prisoner on Long Island.

The same member also delivered to the Chair the report of the committee of the House of Assembly, to whom the said petition was referred.

On motion, by order,

The commission of Alex. Stewart and his resignation thereof, together with his petition and the report of the committee to whom the said petition was referred, were read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Conwell return to the House of Assembly the resolution for the appointment of Committees for Public Accounts, and also the resolution for the appointment of Committees of Claims on Forfeited Estates, with the appointment and concurrence of the Council thereto.

Mr. Conwell, being returned, reported the delivery of the same according to order.

Ordered, That Mr. Baning return to the House of Assembly the President's message and the joint resolutions for procuring the public records, together with the appointments by virtue of these resolutions; General Patterson's account and the list of the papers and receipts of the officers for the same; and also the resolution for the allowances to General Patterson and William Manlove, concurred in by the Council.

Mr. Baning, being returned, reported the delivery of the said papers according to order.

The commission of Alex. Stewart, and his resignation indorsed thereon, were, by order, read the second time, likewise the peti-

tion of the said Alex. Stewart, and the report of the committee of the House of Assembly, to whom the said petition was referred, were, by order, read a second time, and the report concurred in by the Council, and follows in these words, to wit:

"The committee to whom was referred the petition of Alexander Stewart, setting forth that he had been captivated by the enemy at the battle of Long Island on the 27th day of August, 1776, and that he had been detained as a prisoner of war until exchanged, during which time he had been under the necessity of expending considerable sums of money for his subsistence, as no provision had at that time been made for American prisoners, and for part of which he is still indebted, beg leave to report—That they examined the said Alexander Stewart respecting the monies by him expended for subsistence during the time of his captivity, and are of opinion that he ought to be allowed the sum of £130 to reimburse him for necessary expenses while he was detained a prisoner."

Ordered, That Mr. Hyatt return to the House of Assembly the commission and petition of Alexander Stewart, with the report of the committee of the House of Assembly, concurred in by the Council.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., November 2d, 1778.

The Council met and adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Present the same members as on Saturday, except Mr. Bassett.

Mr. Craghead, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act to continue an act entitled 'An act to prevent the exportation of provisions from this State beyond the seas.'"

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to draw for six thousand dollars, &c.

Mr. Speaker laid on the table a petition, signed by sundry inhabitants of this State, praying the aid of the Legislature in establishing and increasing the wages of waggoners, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., Nov. 3d, 1778.

The Council met. Present the same members as on yesterday.

The resolution of the House of Assembly empowering the President to draw for six thousand dollars, &c., was, by order, read and concurred in, and is as follows, viz:*

The Council being informed that, by the non-attendance of some and the going away of others of the members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of their attendance until convened by special order of the President, thereupon

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* See note on page 315.

Resolved to adjourn until the first Monday in January next.

Resolved also, That it be recommended to the President that he call the General Assembly on the first Monday in January next, if the exigency of affairs may not make it necessary to convene the General Assembly sooner.

Ordered, That a copy of the above resolution be delivered by the Clerk to the President.

Then the Council adjourned till the first Monday in January next.

MINUTES OF COUNCIL.

NOVEMBER, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, NOVEMBER, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Monday, the twenty-third day of November, Anno Domini 1778, a quorum of the members not attending, the Council adjourned from day to day until Wednesday, the 2d day of December, 1778.

WEDNESDAY, P. M., December 2d, 1778.

The Council met. Present the following members, viz :

For New Castle County—George Read, Samuel Patterson.

For Kent County—Thomas Collins, Richard Bassett, John Baning.

For Sussex County—John Clowes.

On motion

Resolved, That a committee of three be appointed to wait on his Excellency, the President, to inform him that a sufficient number of the members of the Council have met to make a House and request that his Excellency would be pleased to order the writs by him issued for the calling of the General Assembly

of the State, with their returns, to be laid before the Council for their inspection.

Messrs. Patterson, Bassett, and Clowes are appointed for this purpose. The gentlemen, being returned, reported that they had waited on his Excellency, the President, and delivered the said message according to order.

Mr. Patterson, one of the committee appointed as aforesaid, delivered to the Chair a message from his Excellency, the President, to the Legislative Council, which, by order, was read, and follows in these words, viz :

"*Gentlemen of the Legislative Council :*

"I received your committee this morning, and am pleased to "hear by them you are met in Council.

"Agreeable to your request, I have sent you herewith the writs "by which you were called together, and must beg leave to refer "you to my messages of the twenty-seventh and twenty-eighth "of November, directed to the General Assembly and delivered "to the House of Assembly, for the business of your meeting.

"CÆSAR RODNEY.

"Dover, December the 2d, 1778."

And the same member also delivered to the Chair the writs issued by his Excellency, the President, for the calling of the General Assembly of the State, with their returns, which, by order, were severally read.

Mr. Read, in his place, made his excuse for non-attendance at the sitting of the Council in June and October last, which was admitted ; and also informed the Chair that Mr. Hyatt, on account of the indisposition of his family, could not attend at the beginning of this sitting, whereupon he was excused.

On motion,

Ordered, That the Speaker issue a writ to the Sheriff of Sussex County, directing him to hold an election in that county, agreeable to the Constitution and Laws of this State, for the choosing of one new member of the Council for the said county in the room of John Jones, whose seat became vacant by his acceptance

of the office of one of the Judges of the Supreme Court of this State.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., December 3d, 1778.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and presented to the Chair the President's message to the General Assembly, dated the 27th of November, 1778, which was read, and follows in these words, viz: *

And also an act of Congress of the 26th September, 1778, for organizing the Public Treasury, and a recommendation to the respective States to enact laws for the taking and securing the persons and property of the debtors to the United States, which, by order, was read the first time.

The same member also delivered to the Chair a copy of the Articles of Confederation and Perpetual Union, attested by the President of Congress, which follows in these words, to wit: *

Which, by order, was read the first time.

The same member also delivered to the Chair a copy of the

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* See note on page 315.

Treaties of Amity and Commerce and of Alliance between France and the Thirteen United States of America, which, by order, was read the first time; and also an act of Congress, recommending to the Legislative or Executive powers of each of the United States to appoint Wednesday, the 30th day of December, to be observed as a day of Thanksgiving and Praise, which, by order, was read the first time.

On motion of Mr. Bassett, for leave to bring in a bill for aiding the discontinuance of the process in the Supreme Court of this State, and the same being granted, Mr. Bassett laid a bill for that purpose on the table, which was read the first time.

Ordered, That Mr. Clowes return to the House of Assembly the commission and petition of Lieutenant Alexander Stewart, together with the report of the House of Assembly thereon, concurred in by the Council; and also the resolution of that House, empowering the President to draw for six thousand dollars in favor of George Latimer, Esq., to be by him applied in discharge of money allowed to be due to the Militia of this State, with the concurrence of the Council thereto.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 4th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Clowes now reported the delivery of the several papers given him in charge, according to the order of yesterday.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair Capt. Jonathan Robinson's certificate of his loan of £300 to the Delaware State, and also Doctor Way's certificate of his loan of £100 to the said State, assigned to the said Robinson, together with a resolution empowering the Speakers of the Council and House of Assembly to draw on the State Treasurer for the monies due thereon.

The same member also delivered to the Chair a letter from Francis Bailey, printer, addressed to George Craghead, Esquire, inclosing his account for printing the Acts of Assembly of this State, &c., amounting to £287 : 15 : 0, with a resolution empowering the Speakers of the Council and House of Assembly to draw on the State Treasurer, for the payment of the said account, in favor of the said George Craghead, Esquire.

The same member also delivered to the Chair a bill entitled "An act to prevent and punish the frauds and abuses of Quartermasters and Commissaries General, their deputies and assistants, and others."

On motion, by order, the foregoing certificates of Jonathan Robinson and Nicholas Way, and the resolution empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due thereon, were severally read the first time.

On motion, by order, Francis Bailey's letter and account for printing the laws of this State, &c., and the resolution empowering the Speakers of the two Houses to draw on the State Treasurer for the payment of the same, were severally read the first time.

On motion, by order,

The bill to prevent and punish frauds and abuses of the Quartermasters and Commissaries General, their deputies and assistants, and others, was read the first time.

Mr. Stout, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution empowering the Speakers of the Council and House of Assembly to draw on the State Treasurer for £130 : 0 : 0 in favor of Alexander Stewart, which, by order, was read the first time.

On motion, by order,

The bill for aiding the discontinuance of the process in the Supreme Court, was read the second time by paragraphs, and an amendment, by way of addition, was proposed thereto, which, being agreed to, was made in the bill, whereupon the bill, as amended, was read, agreed to, and passed the Council.

Ordered, That Mr. Baning wait on the House of Assembly with the said bill for their consideration and concurrence.

On motion, by order,

The Articles of Confederation and Perpetual Union, were read the second time and referred to a committee of three, to report thereon. The gentlemen chosen: Mr. Read, Mr. Bassett, and Mr. Clowes.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the bill committed to him according to order.

Mr. John Clayton, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill for aiding the discontinuance of the process in the Supreme Court, agreed to by the House of Assembly.

Ordered to be engrossed.

On motion, by order,

The act to continue an act entitled "An act to prevent the exportation of provisions from this State beyond the seas," was read the first time.

On motion, by order,

The resolution empowering the Speakers of the Council and House of Assembly to draw an order on the State Treasurer for £130 in favor of Alexander Stewart, was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., December 4th, 1778.

"On motion,

"*Resolved*, That the Speakers of the Council and House of "Assembly be empowered to draw an order on the State Trea-

"surer in favor of Alexander Stewart for the sum of one hundred "and thirty pounds, allowed him by the General Assembly, to "reimburse him for necessary expenses while detained a prisoner "on Long Island, and that Mr. Stout wait on the Council with "this resolution for their concurrence.

"Extract from the minutes.

"WILLIAM PEERY, *Cl'k P. T.*"

On motion, by order,

The resolution empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of George Craghead, Esquire, to enable him to discharge the account of Francis Bailey, printer, was read the second time, concurred in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., December 3, 1778.

"The House took into consideration a letter from Mr. Francis "Bailey, directed to George Craghead, Esquire, inclosing an "account, amounting to two hundred and eighty-seven pounds "fifteen shillings, for printing seven hundred and fifty copies of "Acts of Assembly of this State, and four thousand seven hun-"dred and seventy-five certificates; and thereupon

"*Resolved*, That the Speakers of the Council and House of "Assembly be empowered to draw an order on the State Trea-"surer in favor of George Craghead, Esquire, for the said sum "of two hundred and eighty-seven pounds fifteen shillings, to "enable him to discharge the said account.

"Extract from the minutes.

WILLIAM PEERY, *Cl'k P. T.*"

Ordered, That Mr. Bassett wait on the House of Assembly and return the foregoing resolves, with the concurrence of the Council thereto respectively.

Mr. Bassett, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., December 5th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Clowes.

Dr. Clayton, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution empowering the Speakers of the two Houses to draw on the State Treasurer for ten thousand dollars, in favor of Thomas Rodney, to enable him to pay for clothing purchased for the Delaware Regiment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the preceding resolution was read the first time.

By special order the same was read the second time, and sundry amendments were proposed and agreed to, and ordered to be transcribed.

Ordered, That Mr. Bassett wait on the House of Assembly with the foregoing resolution and transcribed amendments for their concurrence.

On motion, by order,

The act of Congress recommending to the Legislative or Executive powers of each of the United States to appoint Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, was read the second time, and thereupon

Resolved, That the same be delivered to his Excellency, the President, and that he be requested to issue his proclamation accordingly.

Ordered, That Mr. Bassett return to the House of Assembly the foregoing act of Congress, together with the resolve of Council founded thereon, for their concurrence.

Mr. Bassett, being returned, reported the delivery, according to order, of the several papers committed to his charge.

On motion, by order,

The act to continue an act entitled "An act to prevent the exportation of provisions beyond the seas," was read the second time and disagreed to; and thereupon

Resolved, That a committee of two be appointed to prepare and bring in a bill to prohibit the exportation of provisions beyond the seas for a limited time.

The gentlemen chosen: Mr. Patterson and Mr. Bassett.

On motion, by order,

The bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, &c., was read the second time and referred to a committee of two, to consider and report thereon.

The members chosen: Mr. Read and Mr. Baning.

On motion, by order, the petition praying the aid of the Legislature in establishing and increasing the wages of waggoners, was read the second time and referred to the same committee.

Mr. Adams, a member of the House of Assembly, attending, was admitted and returned to the Chair the resolve of Council respecting the appointment of Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, with the concurrence of the House of Assembly thereto, together with the act of Congress recommending the same.

The same member also delivered to the Chair the resolution empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of Thomas Rodney for ten thousand dollars, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly.

Ordered, That a copy of the resolve of Council for appointing

Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, with the act of Congress recommending the same, be delivered by Mr. Read to the President.

On motion, by order,

The resolution empowering the Speakers of the Council and House of Assembly to draw an order on the State Treasurer in favor of Thomas Rodney for ten thousand dollars, as amended and agreed to, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., December 4th, 1778.

"WHEREAS the sum of seven thousand five hundred dollars, "directed by the General Assembly the twentieth day of April "last past to be borrowed and put into the hands of Thomas "Rodney, Esquire, for the purpose of completing the clothing "of the Delaware Regiment, hath not been obtained; therefore

"*Resolved*, That the Speakers of the Council and House of "Assembly be empowered to draw an order on the State Treasurer in favor of the said Thomas Rodney for ten thousand "dollars, to enable him to pay for clothing purchased for the "Delaware Regiment; and the said Thomas Rodney is to be "accountable for the expenditure thereof to the General Assembly.

"Extract from the minutes.

"WILLIAM PEERY, *Cl'k P. T.*"

Ordered, That Mr. Patterson return the same to the House of Assembly, concurred in by the Council.

Mr. Patterson, being returned, reported that he had waited on the House of Assembly with the above resolution, according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, December 7th, 1778.

The Council met. Present the same members as on Saturday.

Doctor Clayton, a member of the House of Assembly, attending, was admitted and delivered to the Chair the resolution of the House of Assembly of the 28th October last, empowering the President to draw for monies agreed by the General Assembly to be due to divers persons therein mentioned, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered a bill entitled "An act to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, &c."

The same member also delivered a letter to the President of this State from Nathaniel Scudder, Governieur Morris, and William Whipple, with a bill entitled "An act to prohibit, for a limited time, the distilling of whiskey and other spirits from wheat, rye, or any other sort of grain, or from any meal or flour," founded on the said letter.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., December 8th, 1778.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

Mr. Stout, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition from sundry owners of the Fern Hook and Bosman's Creek Marshes, in New Castle County, respecting the division of the banks inclosing the same, together with a bill, founded on the same petition, by way of supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on the south

side of Christiana Bridge, called Fern Hook Marsh, and of the marsh and meadow on the south side of the same creek, called Bosman's Creek Marsh, in the County of New Castle, to keep the banks and sluices in repair, and to raise a fund to defray the expenses thereof," passed the 24th day of March, 1770.

The same member also delivered a set of resolutions of the House of Assembly to make provision for the officers of the Delaware Regiment, and also a resolution of that House for appointing George Craghead, Esq., Clothier-General of this State.

On motion, by order, the foregoing petition from the owners of Fern Hook and Bosman's Creek Marshes, and the supplementary bill founded thereon, were severally read the first time.

On motion, by order, the resolutions of the House of Assembly, for providing for the officers of the Delaware Regiment, were read the first time.

On motion, by order, the resolution of the House of Assembly for appointing George Craghead, Esq., Clothier-General of this State, was read the first time.

On motion, by order, the resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to divers persons therein mentioned, was read the first time.

On motion, by order, the bill to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, &c., was read the first time.

On motion, by order, the letter from Messrs. Scudder, Morris, and Whipple, and the bill founded thereon, to prohibit, for a limited time, the distilling of whiskey and other spirits from wheat, rye, or any other sort of grain, or from any meal or flour, were read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., December 9th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair an account of the sale of the barracks at Wilmington, together with a resolution of the House of Assembly for the payment of the money arising from the sale thereof to the State Treasurer, which, by order, were read the first time.

On motion, by order,

The resolution of the House of Assembly, of the 28th October last, empowering the President to draw for monies agreed by the General Assembly to be due to divers persons, as amended and agreed to, was read the second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., October 28th, 1778.

"On motion,

"*Resolved*, That the President or Commander-in-Chief be empowered and required to draw on the Trustees of the Loan Offices of this State, or any of them, for the sum of thirty-five pounds nine shillings and nine pence, agreed by the General Assembly, on the 22d day of February, 1777, to be due to Charles West, late Fort-Major at Wilmington; and also for the sum of one hundred and twenty-three pounds fifteen shillings, agreed by both Houses, on the 7th of June, 1777, to be due to General Rodney, Colonel Thomas Collins, and James Latimer, Esq'rs; and also for the sum of forty-eight pounds, allowed by the General Assembly, in February, 1777, to Col. Thomas Collins as one of the signers of papers Bills of Credit emitted in this State in the year 1776; and also for the sum of forty-seven pounds one shilling and nine pence, allowed, as aforesaid, in February, 1777, to Colonel Thomas Collins and Samuel West, for executing the commission given them by the General Assembly in November, 1776, respecting the battalions then

"under Colonels Haslet and Patterson, &c.; and also for the "sum of thirty-eight pounds ten shillings, allowed, as aforesaid, "in June, 1777, to Colonel Thomas Collins and John Thompson, "Esquires, for their attendance on public affairs in the County "of Sussex in the year 1777, he taking receipts for the said "draughts.

"Extract from the minutes.

"WILLIAM PEERY, *Cl'k P. T.*"

On motion, by order,

The resolutions of the House of Assembly to make provision for the officers of the Delaware Regiment, were read the second time and postponed for consideration.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolutions of the 28th October last, empowering the President to draw for monies agreed by the General Assembly to be due to divers persons, concurred in by the Council, and also deliver the following verbal message, viz:

Gentlemen:

The Council desire to be informed whether any paper, or remonstrance, from the officers of the Delaware Regiment, was laid before your House on which your resolution of the 7th instant, making provision for the officers of the said regiment, was founded. If so, the Council request that the said papers may, by order of your House, be laid before them.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly with the above papers, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the account of the sales of the barracks at Wilmington, and the resolution of the House of Assembly for the payment of the monies arising from the sale thereof to the State Treasurer, were read the second time, and the said resolution was concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., December 9th, 1778.

"On motion,

"*Resolved*, That Captain John Lea pay the sum of eighty-one "pounds twelve shillings, now in his hands, arising from the sales "of the public barracks at the fort on Christiana Creek, to the "State Treasurer, and that the same be subject to the joint "draughts of both Houses.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Clowes return the foregoing account and resolution, concurred in by the Council, to the House of Assembly.

Mr. Clowes, being returned, reported the delivery thereof according to order.

Doctor Clayton, a member of the House of Assembly, attending, was admitted and presented to the Chair two letters from Colonels Hall and Pope and one from Capt. Patton, accompanied with a petition from the officers of the Delaware Regiment, praying that provision may be made for them by the General Assembly of this State.

On motion, by order, the foregoing letters and petition were read the first time.

Mr. Hyatt now appeared in the Council.

The committee appointed to prepare and bring in a bill to prohibit the exportation of provisions from this State beyond the seas for a limited time, now delivered one at the table.

On motion, by order, the foregoing bill was read the first time.

By special order the same was read the second time, and some amendments being proposed and agreed to and made therein, the said bill passed the Council.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing bill for their consideration and concurrence.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned to the Chair the above-mentioned bill, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair a message from the President to the General Assembly, inclosing a circular letter from a committee of Congress of the 11th of November last, and a letter from the President of the Council of Massachusetts Bay, with an act of the General Assembly of Massachusetts Bay to prevent the return into that State of all persons who have joined the enemy.

Ordered, That the bill to prohibit the exportation of provisions beyond the seas for a limited time be engrossed.

The said bill, being engrossed, was read, compared, and, by order, signed by the Speaker of the Council.

On motion, by order, the engrossed bill for aiding the discontinuance of the process in the Supreme Court, was read and compared.

Ordered, That the same be signed by the Speaker of the Council; which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit:

1. "An act for aiding the discontinuance of the process in the Supreme Court;"

2. "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time."

Ordered, That Mr. Patterson wait on the House of Assembly with the above-mentioned bills, in order that the same may be compared and signed by the Speaker of that House, and also deliver the resolution of the Council for affixing the Great Seal to the said bills for their concurrence.

Mr. Patterson reported the delivery, according to order, of the above papers.

Mr. Clowes applied for leave of absence till Monday next, which was granted.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, December 10th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Clowes.

Some of the members of the Council attending on committees, the Council adjourned till to-morrow morning, 10 o'clock

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FRIDAY, December 11th, 1778.

The Council met. Present the same members as on yesterday.

Some of the members attending on committees, the Council adjourned till to-morrow morning, 10 o'clock.

SATURDAY, December 12th, 1778.

The Council met. Present the same members as on yesterday.

Some of the members attending on committees, the Council adjourned till Monday morning, 10 o'clock.

MONDAY, December 14th, 1778.

The Council met. Present the same members as on Saturday.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, December 15th, 1778.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, December 16th, 1778.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

Mr. Conwell now appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, by virtue of a writ issued

by the Speaker of the Council for that purpose, to fill the seat of John Jones, Esq., which became vacant by his acceptance of the office of one of the Judges of the Supreme Court of this State, being laid on the table, it appears that William Polk, Esquire, was elected a member of the Council for the County of Sussex, in the room of the said John Jones.

Mr. Polk attended in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and took his seat. [*See note on page 10.*]

On motion of Mr. Polk,

Ordered, That the rules to be observed by the members of Council during the sitting thereof be read; which was done accordingly.

Mr. Clowes, in his place, made his excuse for his non-attendance on Monday last, which was admitted.

The committee to whom were referred the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, and the petition from the owners of waggons for an increase of wages, now delivered their report at the table, which, by order, was read the first time.

On motion, by order,

The bill, by way of supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on the south side of Christiana Creek, called Fern Hook Marsh, and of the marsh and meadow on the south side of the same creek, called Bosman's Creek Marsh, in the County of New Castle, to keep the banks, &c., in repair and raise a fund to defray the expenses thereof," was read the second time and passed the Council.

Mr. Speaker laid on the table a petition from Isaac Carty and Edward Rees against the bill for preventing the distilling of spirits from any kind of grain.

On motion, by order, the said petition was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, December 17, 1778.

The Council met and adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 18, 1778.

The Council met. Present all the members.

On motion, by order,

The report of the committee to whom were referred the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, and the petition from the owners of waggons for an increase of wages, was read the second time.

The same was read a third time by paragraphs and agreed to by the Council.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, December 19th, 1778.

The Council met and adjourned till to-morrow morning, 10 o'clock.

SUNDAY, December 20th, 1778.

The Council met. Present all the members.

The Council being informed that, by the non-attendance of some and the going away of others of the members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of their attendance until convened by special order of the President, thereupon

Resolved, That the Council adjourn till the fifth day of January next.

Resolved also, That it be recommended to the President that he issue his writs of summons for the calling together of the members of the House of Assembly on the said fifth day of January for the dispatch of public business.

Ordered, That the Clerk of this House deliver a copy of the above resolution to the President.

Then the Council took into consideration the accounts brought in for expenses of their members and officers during their attendance at the last and present meeting, and the traveling charges of the members to and from the place of meeting, and the following accounts were allowed, viz :

To French Battell, his accounts for the expenses of the members of Council and their Clerk at his house, for the months of October, November, and to the 20th day of December, 1778, inclusive,	£	594	10 0
To Samuel Patterson, Esq., for traveling charges,		12	0 0
To Peter Hyatt, Esq., " "		2	17 6
To John Clowes, Esq., " "		9	10 0
To William Polk, Esq., " "		2	0 0
To William Conwell, Esq., " "		4	10 0
To George Read, Esq., " "		6	0 0
Carried over,	£	631	7 6

Brought over, ...	£631	7	6
To Benjamin Vining, for his services as Clerk of the Council, ...	20	7	6
To John Dawson, for riding express, &c., ...	1	10	0
To Edward Cole, for ditto, ...	1	10	0
To Thomas Wild, Doorkeeper and Sergeant-at-Arms,	11	10	0
Total, ...	£666	5	0

Ordered, That the Speaker draw orders on the Trustees of the Loan Offices of the respective Counties, in equal proportions, for the said sum of £631 : 7 : 6, in favor of Mr. French Battell; and that he draw orders for the remaining sum of £34 : 17 : 6, in favor of the several persons above-mentioned, on the Trustees of the Loan Office for Kent County.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned till the fifth day of January next.

MINUTES OF COUNCIL.

JANUARY, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1779.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Tuesday, the fifth day of January, Anno Domini, 1779, a quorum of members not attending, the Council adjourned from day to day until Tuesday, the 12th instant.

TUESDAY, January 12th, 1779.

The Council met. Present the following members, viz:

For New Castle County—Samuel Patterson.

For Kent County—The Hon. Thomas Collins, John Baning.

For Sussex County—John Clowes, William Polk.

Dr. Hall, a member of Assembly, was admitted and delivered to the Chair a letter from the Governor of Maryland, of the 16th ultimo, accompanied with an act to prevent distilling grain into spirits, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 13th, 1779.

The Council met. Present the same members as on yesterday, and also Messrs. Bassett, Hyatt and Conwell.

On motion,

Ordered, That Mr. Conwell deliver to the House of Assembly the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, with the amendments proposed and agreed to by the Council, for their concurrence; and that he return to that House the petition from the owners and possessors of Fern Hook and Bosman's Creek Marsh, with the original act and the bill by way of supplement to the same act, agreed to by the Council.

Mr. Conwell reported the delivery of the above papers according to order.

On motion, by order,

The bill to appoint commissioners to hear and determine the claims of the officers of the Whig Battalion, &c., was read the second time and postponed for consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the foregoing bill and proposed and agreed to sundry amendments thereto.

Ordered, That the same be transcribed and sent therewith to the House of Assembly for their concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., January 14th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a committee to state an account of expenditures by this State for the Continent, &c., and also a resolution of that House for the appointment of committees for settling the Loan Office accounts, and the following notification, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., January 13, 1779.

"*Ordered*, That Mr. Waples wait on the Council and inform "them that this House will meet the Council, at such time and "place as they may appoint, in order to put in nomination per- "sons to be balloted for as Delegates from this State to the Con- "gress of the United States for the ensuing year, and also for a "Chief Justice of the Court of Common Pleas and Orphans' "Court for the County of Kent, in the room of Thomas Rodney, "Esq., who hath declined to accept his appointment thereto.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

On motion, by order, the foregoing resolutions, respecting the appointment of committees, were severally read the first time.

On motion, by order,

The resolution of the House of Assembly for the appointment of a Clothier-General was read the second time and rejected.

On motion, by order, the following verbal message from the Council, in answer to the verbal message or notification of the House of Assembly respecting the proceeding to put in nomination persons to be balloted for as Delegates to Congress, &c., of yesterday, was drawn up at the table and agreed to be sent to the House of Assembly, viz:

Gentlemen:

The Council received your verbal message of yesterday signifying your inclination of meeting the Council, at such time and place as they should appoint, in order to put in nomination persons to be balloted for as Delegates from this State to the Congress of the United States of America for the ensuing year, and also for Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Rodney, Esq., who hath declined to accept of his appointment thereto, and are extremely willing to meet the honorable House of Assembly for the above purpose, and also to put in nomination a person to be balloted for as Clothier-General for this State, at four o'clock this afternoon in the Assembly Room, if agreeable to your honorable House.

Dover, January 14, 1779.

Ordered, That the same be sent to the House of Assembly, with the resolution for the appointment of a Clothier-General, by Mr. Bassett.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bassett now reported the delivery of the papers committed to him according to order.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, &c., and the amendments proposed thereto by the Council acceded to by the House of Assembly, except as to their 7th, 8th and 10th amendments, together with a paper of amendments proposed by the House of Assembly to the said amendments of the Council, which, by order, were read the first time.

Mr. Derrickson, a member of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz:

"*Gentlemen:*

"The House of Assembly are now ready to receive the Council, in the Assembly Room, to put in nomination persons to be balloted for as Delegates from this State to Congress and for Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent. Dover, January 14, 1779."

And thereupon

Resolved, That a verbal message from the Council, in answer to the foregoing verbal message, be drawn up, which was accordingly done, and is in these words, viz:

Gentlemen:

The Council, previous to their attending you, agreeable to your verbal message just now delivered by Mr. Derrickson, beg leave to suggest to your honorable House that an additional proposal, in their message of this forenoon in answer to yours of yesterday, to wit: that of putting in nomination persons qualified for the office of Clothier-General for this State, appears to be rejected. The Council therefore are desirous to know, before they attend your honorable House, the reason inducing your House to reject said proposal.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Clowes,

Who, being returned, reported the delivery according to order.

On motion, by order,

The bill to prevent the distilling of whiskey or other spirits from grain, &c., was read the second time and deferred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., January 15th, 1779.

The Council met. Present the same members as on yesterday and also Mr. Read.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

"*Gentlemen :*

"The House of Assembly are at a loss to know the reason "which induced the Council to conclude they had rejected the "proposition of your honorable House for putting in nomina- "tion, this afternoon, persons to be balloted for as Clothier "General, no such thing being contained in the verbal message "of the Assembly. As the Council gave no reason for reject- "ing the mode of appointing a Clothier-General adopted by the "Assembly, this House apprehended the Council would not so "suddenly request the reasons why this House disagreed to the "aforesaid proposition of the Council. The Assembly did not "reject the same proposition, but, for want of sufficient time for "consideration of that business, had come to no determination "thereon, which induced this House to take no notice of that "part of the Council's message. But this House, still anxious "to forward the public business, are ready to receive the Council "to put in nomination persons to be balloted for as Delegates in "Congress, and as Chief Justice of the Court of Common Pleas "and Orphans' Court for the County of Kent.

"Dover, January 14, 1779."

Mr. Read, in his place, made his excuse for non-attendance at an earlier day, which was admitted.

On motion,

Resolved, That a message from the Council, in answer to the foregoing message from the House of Assembly, be drawn up, which was accordingly done, read and agreed to, and follows in these words, viz :

Gentlemen:

Your House not taking any notice, in their verbal message of yesterday, delivered by Mr. Derrickson, of the proposition made by the Council in their preceding message, delivered by Mr. Bassett, to put in nomination a person to be balloted for as Clothier-General for this State, at the time proposed for nominating persons to be balloted for as Delegates to Congress and a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, induced the Council to suppose their proposition rejected, otherwise they apprehend the House of Assembly would have gladly embraced the opportunity of doing that at one meeting of the two Houses which will require another meeting, and, of course, a delay of time perhaps unnecessarily.

The Council were induced to dissent to your resolve for the appointment of the Clothier-General, for that it is an office of trust, and may be of profit, or at least some salary must be allowed for the service to be performed by him, and as such he ought to be chosen in the manner that all other officers of the State, under like circumstances, heretofore have been, as appears by the joint resolutions of the two Houses on their respective minutes. However the Council are not so tenacious as to the time when this nomination of persons for a Clothier-General shall be, for if the House of Assembly wish to have it postponed, and the other nominations to be now made, the Council will meet them forthwith for the purpose.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Baning.

Mr. Davis, a member of Assembly, was admitted and delivered the Chair a resolution of the House of Assembly empowering the Speakers of both Houses to draw for seven hundred and fifty pounds, and interest, in favor of Vincent Loockerman.

On motion, by order, the foregoing resolution was read the first time.

By special order the same was read the second time, concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., January 15th, 1779.

"Mr. Speaker laid before the House a certificate to Vincent

"Loockerman of the loan of seven hundred and fifty pounds to "this State, given by the Honorable George Read, Esq., late "Vice-President thereof, on the sixteenth day of December, one "thousand seven hundred and seventy-seven, in pursuance of "joint resolutions of the General Assembly, and the said Vincent "Loockerman requesting the payment of the same, with the in-"terest thereof,

"*Resolved*, That the Speakers of the Council and House of "Assembly draw an order on the State Treasurer in favor of the "said Vincent Loockerman for the said sum of seven hundred "and fifty pounds, with the interest for the same, at the rate of "six per cent. per annum, from the said sixteenth day of De-"cember, one thousand seven hundred and seventy-seven."

Ordered, That Mr. Baning return the same to the House of Assembly, with the concurrence of the Council thereto.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the several papers committed to him according to order.

Mr. Bryan, a member of Assembly, was admitted and delivered the following message from the House of Assembly to the Council, viz :

"*Gentlemen :*

"The reasons assigned by your honorable House for rejecting "the appointment of a Clothier-General for this State, made by "the Assembly, are satisfactory. As this House had no other "object in view by that appointment than the public service, "therefore readily agree to receive your House in the Assembly "Room forthwith, to put in nomination persons to be balloted

"for as Delegates to Congress, a Chief Justice of the Common "Pleas and Orphans' Courts of Kent County, and a Clothier-"General for this State."

The Council, agreeable to the order of the day, proceeded to the Assembly Room, and there met the House of Assembly, to put in nomination persons to be balloted for as Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for this State.

On motion,

Ordered, That Mr. Patterson, Mr. Ridgely, and Mr. Kollock be a committee to wait on his Excellency, the President, and inform him that the General Assembly are now met in the Assembly Room to put in nomination persons to be balloted for as Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and to know whether his Excellency would wish to attend that nomination.

The committee, being returned, reported that they had waited on the President with the message committed to them, agreeable to order, and that he declined attending the nomination, but would be present at the balloting.

Then the General Assembly proceeded to put in nomination divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion, agreed that the General Assembly now separate, and meet at three o'clock on Monday afternoon, in the Council Room, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for the State, out of the persons now put in nomination for the said offices. Then the Council withdrew.

Mr. Clowes applied for leave of absence till three o'clock on Monday afternoon next, which was granted.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, January 16th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Clowes.

Adjourned till Monday morning, 10 o'clock.

MONDAY, P. M., January 18th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

On motion,

Ordered, That Mr. Clowes and Mr. Hyatt be a committee to wait on the House of Assembly and acquaint them that the Council are now sitting and are ready to receive them, in the Council Chamber, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for the State.

The committee, being returned, reported that they had delivered the above message according to order, and that the House of Assembly said they would attend the Council immediately.

The Council and Assembly being met in the Council Room, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for the State, according to the order of Friday last, proceeded to the ballot for Delegates to Congress, which being taken down, it appeared that John Dickinson, Nicholas Vandyke, and Thomas McKean, Esquires, had a majority of votes, and are declared duly elected Delegates from this State to Congress for the ensuing year.

On motion,

Ordered, That Mr. Clowes, Mr. Bryan, and Doctor Clayton

be a committee to wait on his Excellency, the President, and to inform him that the General Assembly are now met in the Council Room to ballot for a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and request his attendance, if he thinks proper.

The gentlemen reported the delivery of the above message according to order, when his Excellency was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended, and proceeded with the General Assembly to ballot for a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and the box containing the ballots being examined, it appeared that John Clark, Esquire, was declared duly elected Chief Justice of the Common Pleas and Orphans' Courts of Kent County. Then the President withdrew.

The General Assembly then proceeded to ballot for a Clothier General for the State, and the ballot being taken down, it appeared that George Craghead, Esq'r, was declared duly elected Clothier-General for this State.

On motion,

Resolved, That the Speakers of the two Houses inform John Clark, Esquire, of his appointment to the office of Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and request his answer forthwith whether he will accept of the said appointment.

On motion, agreed that the General Assembly now separate. Then the House of Assembly withdrew, and the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., January 19th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Speaker laid on the table a petition from sundry civil officers of this State, praying an increase of the fees annexed to their respective offices, which, by order, was read, and ordered to be referred to the House of Assembly for their consideration.

On motion, by order,

The Council took into consideration the amendments proposed by the House of Assembly to their amendments to the bill to prevent frauds and abuses in the Quartermaster's and Commissary's Departments, and acceded generally thereto.

On motion, by order,

The resolutions of the House of Assembly for the appointment of committees for settling the Loan Office accounts were read the second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., January 13, 1779.

"WHEREAS the committees appointed by the late General "Assembly to settle and adjust the accounts of the General "Loan Offices for the Counties of New Castle and Kent, have "not proceeded in that business; therefore

"*Resolved*, That a committee of three persons in each of the "said counties be appointed to settle and adjust the accounts of "the said offices in the counties aforesaid respectively, who are "hereby directed to settle and adjust the said accounts from the "time of the settlement made by Messrs. McKinly, Read, Kil-"len, Haslet, and Robinson, a committee of Assembly for that "purpose, and make report thereof to the General Assembly of "this State at their next meeting.

"The members chosen, on the part of this House, for New "Castle County, are Messrs. Alexander Porter and Nicholas

"Vandyke; for Kent County, Messrs. William Killen and John "Pryor.

Also resolved, That Simon Kollock and Joseph Hall, Esquires, "be a committee for the County of Sussex to settle and adjust "the accounts of the General Loan Office for the said county for "the ensuing year.

"*Resolved*, That the committees respectively be directed to "report the sums of money in specie and paper which are in the "said offices."

And thereupon the Council, on their part, have nominated the following persons to join the said committees of the House of Assembly, to wit: For New Castle County, John Thompson, Esquire; for Kent County, Eleazar M. Comb, Gentleman; and for Sussex County, John Clowes, Esquire.

The Council now took into consideration the bill to prevent the distilling of whiskey from any kind of grain, &c., and some amendments were proposed, agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration and concurrence, together with the said bill.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 20th, 1779.

The Council met. Present all the members.

On motion, by order,

The resolutions of the House of Assembly for the appointment of a committee to state an account of expenditures by this State for the Continent, &c., were read the second time, and an amendment was proposed by way of addition to the first resolution.

Ordered, That the same be transcribed and sent therewith to the House of Assembly for their concurrence by Mr. Patterson, who is also appointed to return to that House the bill to prevent the distilling of whiskey, &c., with amendments proposed thereto

by the Council; the petition of Isaac Carty and Edward Rees against the same bill; the letter from the Governor of Maryland, inclosing a bill against distilling whiskey, and a letter from a committee of Congress; and also the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, with the amendments proposed by that House to the Council's amendments to the same bill, acceded to by the Council; and the petition for an increase of the wages of waggoners; and also the resolutions of the House of Assembly for the appointment of committees for settling the Loan Office accounts, with the concurrence and appointment of the Council thereto; and, lastly, the petition from sundry civil officers for an increase of their fees.

Mr. Patterson, being returned, reported the delivery of the several foregoing papers according to order.

On motion,

The Council took into consideration the resolutions of the House of Assembly to make provision for the officers of the Delaware Regiment, and after some time spent therein the same was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Doctor Hall, a member of Assembly, was admitted and delivered to the Chair the resolutions of that House for the appointment of a committee to state an account of expenditures by this State for the Continent, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly; whereupon the said resolutions, as amended and agreed to, were read, concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., January 13th, 1779.

"WHEREAS the committee of the General Assembly hereto-"fore appointed for stating an account of expenditures by this "State for and in behalf of the United States, &c., have not "entered upon the duty assigned them; therefore

"*Resolved*, That Messrs. Robert Bryan, John Cook, and Wil-"liam Peery be a committee to settle an account of the monies "advanced by this State, or upon the credit thereof, for recruit-"ing the Delaware Regiment in the three last campaigns, and of "the expenditures of the same, and to state an account of expen-"ditures by this State for and in behalf of the United States, and "also to state an account of all monies, provisions, and other "necessaries which have been supplied by and on behalf of this "State to prisoners taken by the United States, or this State, "since the beginning of the war, and of which accounts have "not been already transmitted to Congress, agreeable to a reso-"lution of Congress of the 26th of February last; and that the "said committee be empowered to send for persons, papers and "things, and make report of their proceedings to the General "Assembly at their next sitting.

"*Resolved*, That the reasonable expenses to be incurred by the "said committee in the execution of the business hereby assigned "them be defrayed by this State, and that an adequate allowance "be also made for their time and trouble in that service."

Ordered, That Mr. Conwell return the same to the House of Assembly concurred in by the Council.

Who reported the delivery thereof according to order.

The Council now resumed the consideration of the resolutions of the House Assembly to make provision for the officers of the Delaware Regiment, and proposed and agreed to sundry amendments to the same, which were ordered to be transcribed and sent therewith to the House of Assembly for their concurrence by Mr. Polk, together with the petition from the officers of the Delaware Regiment.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., January 21st, 1779.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers given him in charge, according to the order of yesterday.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair the resolutions to make provision for the officers of the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein; whereupon the said resolutions were read, concurred in, and ordered to be signed by the Speaker. They are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., December 7, 1778.

"WHEREAS the unexpected and exorbitant prices which every "article of clothing hath arisen to, render the pay of the officers "of the Delaware Regiment in the service of the United States "insufficient to support their rank; therefore, for their further "provision,

"*Resolved*, That the Clothier-General of this State forthwith "provide and deliver to each field officer, captain, lieutenant, "and ensign, the surgeon and surgeon's mate, in the said regi- "ment, one suit of clothes, to consist of a coat, waistcoat, and "a pair of breeches, or, in lieu thereof, eighty pounds, at the "election of such officer, in consideration of his past services.

"*Resolved*, That the said Clothier-General do purchase and "provide for every of the said officers the following clothing, to "wit: One coat, two waistcoats, two pairs of breeches, four shirts, "four pair of stockings, and three pairs of shoes, for the ensuing "year, at any Continental or State store, or elsewhere, to be "disposed of to said officers, on application, they paying for "said clothing, as near as can be computed, the prices the same "would have cost at the time the said officers' pay was stipulated; "the balance on all such clothing to be charged to this State, and "the General Assembly will provide for the payment thereof.

"*Resolved*, That the Speakers of the Council and House of "Assembly do forthwith draw on the State Treasurer for the "sum of two thousand five hundred pounds in favor of the "Clothier-General, to enable him to comply with the first re-"solve."

On motion, by order,

The certificates of Jonathan Robinson and Nicholas Way, of their loans to this State, and the resolution of the House of Assembly empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due thereon, were severally read the second time and deferred for consideration till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and took into consideration the resolution empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due on the certificates of Jonathan Robinson and Nicholas Way, and several amendments were proposed and agreed to, and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing certificates and resolution, with the transcribed amendments, for their concurrence; and also the resolutions to make provision for the officers of the Delaware Regiment, concurred in by the Council.

Mr. Conwell, being returned, reported the delivery of the above papers according to order.

The committee to whom were referred the Articles of Confederation and Perpetual Union, &c., now delivered in their report at the table.

On motion, by order, the foregoing report was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., January 22d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the resolution empowering the Speakers of the two Houses to draw for the monies due to Jonathan Robinson on certificates, with the amendments proposed thereto by the Council generally disagreed to by the House of Assembly.

Whereupon the Council, taking into consideration their said amendments, receded therefrom and concurred in the resolution, which is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., December 3, 1778.

"On motion,

"*Resolved*, That the sum of three hundred pounds, received by "the Convention of this State from Mr. Jonathan Robinson the "twenty-first day of September, one thousand seven hundred "and seventy-six, and the sum of one hundred pounds, received "from Mr. Nicholas Way the same day, the certificate whereof "is assigned to the said Robinson, together with the legal interest "of six per cent. per annum, be paid to the said Jonathan Rob-"inson, and that the Speakers of the Council and House of As-"sembly be empowered to draw an order on the State Treasurer "in favor of the said Jonathan Robinson for that purpose."

Ordered, That Mr. Baning return to the House of Assembly the above-mentioned certificates and resolution, with the concurrence of the Council thereto.

Mr. Baning reported that he had returned the same to the House of Assembly according to order.

The report of the committee to whom were referred the Articles of Confederation and Perpetual Union, &c., was, by order, read the second time and postponed for consideration till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the preceding report of their committee, and after some time was spent therein the further consideration was deferred till to-morrow.

Mr. Stout, a member of Assembly, was admitted and delivered to the Chair a bill for suppressing vice and immorality, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., January 23d, 1779.

The Council met. Present all the members.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council having resumed the consideration of the committee's report on the Articles of Confederation and Perpetual Union, &c., came to the following resolutions thereon:

Resolved, That this State think it necessary, for the peace and safety of the States to be included in the Union, that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi or South Sea, and that the United States, in Congress assembled, should and ought to have the power of fixing their western limits.

Resolved also, That this State consider themselves justly entitled to a right, in common with the other members of the Union, to that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in or granted to individuals at the commencement of the present war; that the same hath been or may hereafter be gained from the King of Great Britain or the native Indians by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

Resolved also, That the courts of law established within this State are competent for the purpose of determining all controversies concerning the private right of soil claimed within the same, and that they now, and at all times hereafter, ought to have cognizance of all such controversies; that the indeterminate provision, proposed in the 9th Article of the Confederation, for deciding upon controversies that may arise about some of those private rights of soil, tends to take away such cognizance, and is contrary to the Declaration of Rights of this State, and therefore ought to receive an alteration.

The Council then, taking into consideration the strong and earnest recommendations of Congress forthwith to accede to the present plan of Confederacy, and the probable disadvantages that may attend the further delaying a ratification thereof,

Resolved, That, notwithstanding the terms of the Articles of Confederation aforesaid are considered as in divers respects unequal and disadvantageous to this State, and the objections in the report of the committee of this House and the resolves made thereon are viewed as just and reasonable and of great moment to the welfare and happiness of the good people thereof, yet, under the full conviction of the present necessity of acceding to the Confederacy proposed, and in firm reliance that the candor and justice of the several States will in due time remove, as far as possible, the objectionable parts thereof, the Delegates appointed to represent this State in Congress, or any one or more of them, be authorized, empowered and directed, on behalf of this State, to subscribe and ratify the said Articles of Confederation and Perpetual Union between the several States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina,

and Georgia, and that the said articles, when so subscribed and ratified, shall become obligatory on this State.

And, on motion, leave was given to bring in a bill to empower the Delegates of this State to ratify the said articles. A bill for this purpose being laid on the table, was, by order, read the first time.

By special order, the same was read the second time and passed.

Ordered, That Mr. Baning wait on the House of Assembly with the copy of the Articles of Confederation and the report of the committee thereon, the preceding resolutions and bill founded thereon.

Mr. Speaker now informed the Council that he had received the answer of John Clark, Esquire, to the notification directed to him by the Speakers of the two Houses, in which he signified his willingness to accept of his appointment to the office of Chief Justice of the Common Pleas and Orphans' Courts of Kent County.

Adjourned till Monday morning, 10 o'clock.

MONDAY, January 25th, 1779.

The Council met. Present all the members.

Mr. Baning now reported the delivery of the several papers given him in charge, according to the order of Saturday.

Doctor Hall, a member of Assembly, was admitted and delivered to the Chair a bill for raising one hundred and seventy thousand dollars, in the Delaware State, for the service of the year one thousand seven hundred and seventy-nine, by a general tax.

The same member also delivered a supplementary bill to the act of pardon.

The same member also delivered a supplement to an act enti-

tled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time," and also a bill for the relief of wounded officers, soldiers, &c.

On motion, by order, the foregoing bills were severally read the first time.

Mr. Craghead, a member of Assembly, was admitted and presented to the Chair a message from the President to the General Assembly, inclosing a letter from his Excellency, General Washington, of the 19th inst.; another, of the same date, from Messrs. Governieur Morris and William Whipple, a committee of Congress, and another from Jeremiah Wadsworth, Commissary-General of Purchases, to the said committee, on the subject of engrossing.

On motion, by order, the said message and its inclosures were severally read, and the said message is as follows, viz:

"*Gentlemen of the General Assembly:*

"Saturday afternoon I received, by express, a letter from his "Excellency, General Washington, requesting that I would give "the Deputy Quarter authority to canton Pulaskie's Legion "within this State, and as I would wish the General Assembly "to take order in this matter, have directed the Secretary to lay "the letter before you. I have also directed him to lay before "your Honors a letter, of the 19th instant, from the committee "of Congress, on the subject of engrossing, with a copy of a "letter from the Commissary-General of Purchases to them on "that head.

"CÆSAR RODNEY.

"Dover, January the 25th, 1779."

On motion

Resolved, That Messrs. Clowes, Read, and Bassett be a committee to prepare and bring in a bill for the quartering of troops within this State.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, January 26th, 1779.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill for the quartering of troops in this State, now delivered one at the table, which, by order, was read the first time.

On motion,

Resolved, That Mr. Clowes, Mr. Read, and Mr. Bassett be a committee to prepare and bring in a bill against engrossing and forestalling of flour, grain and forage.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair a memorial from the members of the Privy Council, praying the aid of the Legislature to make provision for their expenses incurred during their attendance on the duties of their office, with a resolution of the House of Assembly empowering the Speakers of both Houses to draw for divers sums of money in favor of the members of the Privy Council and Secretary, and also the following verbal message, viz:

"*Gentlemen:*

"As the seat of John Clark, Esquire, the second Justice of the "Court of Common Pleas and Orphans' Court in the County of "Kent, is become vacant by his appointment to and acceptance of "the office of Chief Justice of those Courts, and it is necessary to "fill that vacancy, this House therefore propose to your honor-"able House to meet the Council, at such time and place as you "may appoint, for the purpose of putting into nomination proper "persons to be balloted for as second Justice in said Courts. "This House also inform the honorable the Council that they "intend to adjourn on Saturday next, for this present sitting, to "some future day."

On motion, by order, the foregoing memorial and resolution founded thereon were severally read the first time.

On motion, by order,

The bill for the relief of wounded officers and soldiers, &c., was read the second time, and thereupon

Resolved, That a committee of two be appointed to take the said bill into consideration, and report thereon to-morrow morning.

The gentlemen chosen: Mr. Patterson and Mr. Polk.

On motion, by order,

The bill, by way of supplement to the act entitled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time," was read the second time and deferred for consideration.

On motion, by order,

The bill for raising one hundred and seventy thousand dollars for the year 1779, by general tax, was read the second time, and thereupon

Resolved, That a committee of three be appointed to take the said bill into consideration, and report their objections to the same.

The gentlemen chosen: Mr. Bassett, Mr. Read, and Mr. Conwell.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 27, 1779.

The Council met. Present all the members.

On motion, by order,

The bill for the quartering of troops within this State was read the second time and passed the Council.

Ordered, That Mr. Hyatt deliver the foregoing bill to the House of Assembly for their consideration and concurrence.

Mr. Hyatt reported the delivery according to order.

Mr. John Clayton, a member of Assembly, was admitted and delivered to the Chair a bill to increase the salaries and allowances to the Justices of the Supreme Court, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, some of the members attending on committees, adjourned till to-morrow morning, 10 o'clock

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THURSDAY, A. M., January 28, 1779.

The Council met. Present all the members.

The committee to whom the bill for raising one hundred and seventy thousand dollars by a general tax was referred, now delivered their report at the table, which, by order, was read and ordered to lie over till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the foregoing bill and report, and after some time spent therein the further consideration thereof is postponed till to-morrow.

Doctor Clayton, a member of Assembly, was admitted and returned to the Chair the resolutions of Council empowering the the Delegates from this State in Congress to ratify the Articles of Confederation, together with the bill for the ratification of the

said articles, and the report of the committee thereon, severally concurred in by the House of Assembly.

The same member also returned to the Chair the bill for the quartering of troops within this State, with a paper of amendments proposed thereto by the House of Assembly.

The same member also delivered to the Chair the report of the Committee for Public Accounts, with a list of vouchers.

Ordered, That the bill for the ratification of the Articles of Confederation be engrossed.

The Council took into consideration the amendments proposed by the House of Assembly to the bill for the quartering of troops, &c., and proposed and agreed to some amendments to the said amendments of the House of Assembly, which were ordered to be transcribed.

Ordered, That Mr. Polk deliver the said bill, and the several papers of amendments, to the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., January 29, 1779.

The Council met. Present all the members.

Mr. Polk now reported the delivery of the several papers committed to his charge, according to the order of yesterday.

Doctor Hall, a member of Assembly, was admitted and delivered to the Chair the bill to prohibit, for a limited time, the distilling of whiskey and other spirits from wheat, &c. ; also the bill to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments ; and also the bill to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, &c., respectively signed by the Speaker of the House of Assembly, together with their original draughts and amendments, in order to be compared and signed by the Speaker of the Council.

The same member also returned to the Chair the bill for the quartering of troops, &c., with the amendments proposed thereto by the House of Assembly and the amendments proposed by the Council to the said amendments, two of which the House of Assembly acceded to and rejected the two remaining amendments of the Council.

The Council now took into consideration the verbal message of the House of Assembly of the 26th instant, and thereupon the following answer thereto was drawn up and agreed to, viz:

Gentlemen:

The Council accede to your proposal of putting into nomination proper persons to be balloted for as second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and will meet your honorable House, if agreeable, in the Assembly Room, at four o'clock this afternoon, for the purpose aforesaid.

Ordered, That Mr. Baning deliver the same to the House of Assembly.

Then the Council took into consideration such of their amendments to the amendments proposed by the House of Assembly to the bill for the quartering of troops, &c., as were rejected by the House of Assembly, and thereupon a message from the Council to the House of Assembly, stating the reasons of Council for adhering to their amendments so rejected, was drawn up at the table, read and agreed to, and is as follows, viz:

Gentlemen:

The Council have reconsidered the two last amendments proposed by the Council to the amendments proposed by the House of Assembly to the bill for the quartering of soldiers, returned as rejected by your House, and are of opinion that the third amendment is a necessary one, for that no person but a Justice can billet any soldier, &c., by the bill, therefore the expressions "or if the person so billeting them be a Justice," in the 6th and 7th line of your first amendment, are improper, as they imply a power of billeting in other than a Justice or Justices; but, by adding the word [single], as in our amendment, those expressions will have their proper reference to the billeting authorized by the third

section of the bill, and for these reasons the Council are induced to adhere to their third amendment aforesaid.

The Council, by their fourth amendment, intended effectually to exclude Quartermasters and their deputies from exercising the power of quartering, which they were doubtful might not, in strict military speech, be considered to be included in the term military officers; but if the House of Assembly shall be of opinion, after knowing our reasons for the fourth amendment, that the same is unnecessary, and that their constituents may be well secured against the exertion of a dangerous power by those of the staff of the army, the Council will recede from the said fourth amendment.

Ordered, That Mr. Baning deliver the said message to the House of Assembly, together with the bill for the quartering of soldiers, &c., and its several papers of amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the several papers given him in charge, to the House of Assembly, according to order.

Mr. Waples, a member of Assembly, was admitted and returned to the Chair the bill for the quartering of troops, &c., and its amendments, with the following verbal message, viz:

"*Gentlemen:*

"This House having taken into consideration the reasons contained in your message for adhering to the amendments proposed by your honorable House to the amendments offered by the House of Assembly to the bill for quartering of soldiers, do not consider them satisfactory. The Assembly, therefore, propose, as the most expeditious manner of terminating the

"difference in opinion respecting the said amendments, the ap-
"pointment of committees by both Houses to confer thereon,
"and do accordingly appoint Messrs. Ridgely, Hall, and Joshua
"Clayton a committee on the part of this House, who will forth-
"with meet a committee of your honorable House for that pur-
"pose, if the said proposition be concurred in by the Council."

And thereupon

Resolved, That Messrs. Read and Conwell be a committee, on the part of the Council, to meet a committee of the House of Assembly to confer on the subject matter of the several amendments proposed by each House to the bill for the quartering of troops.

On motion, the Council resumed the consideration of the bill for raising 170,000 dollars, &c., and the committee's report thereon and sundry amendments were agreed to, and further amendments being proposed, the further consideration is postponed till to-morrow.

On motion, by order,

The bill for suppressing vice and immorality was read the second time, and will not pass, and, on motion, leave was given to bring in a bill, by way of supplement to several acts of Assembly, for the suppression of vice and immorality. A bill for this purpose being laid on the table was, by order, read the first time.

By special order the same was read the second time and deferred for consideration till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., January 30th, 1779.

The Council met. Present all the members.

The committee to whom was referred the bill for the relief of wounded officers and soldiers, &c., now brought in their report.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair a bond (or obligation) of John Jones, Esq., to the Delaware State in the sum of one thousand pounds, with a resolution of the House of Assembly empowering the President to receive the said sum of one thousand pounds from Mr. Jones.

Ordered, That Mr. Polk wait on the House of Assembly and inform them that the Council have acceded to their proposal for the appointment of a committee of Council to meet a committee of the House of Assembly to confer on the subject matter of the several amendments proposed by each House to the bill for the quartering of soldiers.

Mr. Polk, being returned, reported that he had waited on the House of Assembly with the said message, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the report of the committee to whom was referred the bill for the relief of wounded officers and soldiers, &c., was read the first time and recommitted to the same committee, with the addition of Mr. Read.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of the amendments to

the bill for the quartering of soldiers, now delivered their report at the table, which, by order, was read and agreed to.

Ordered, That the said bill be engrossed.

On motion, the Council now resumed the consideration of the bill for raising one hundred and seventy thousand dollars, &c., and further amendments were proposed and agreed to and ordered to be transcribed.

Ordered, That the said bill and transcribed amendments be sent to the House of Assembly, for their consideration and concurrence, by Mr. Clowes.

Who, being returned, reported the delivery thereof according to order.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair Colonel Pope's account against the Delaware Regiment for clothing, and its vouchers, with a resolution of the House of Assembly for the payment of cloth seized and taken by Colonel Pope for the use of the Delaware Regiment.

On motion, by order,

The bond of Colonel John Jones to the Delaware State in the sum of one thousand pounds, and the resolution of the House of Assembly empowering the President to receive the said sum of one thousand pounds from Mr. Jones, were read the first time.

By special order the said resolution was read the second time, and an amendment was proposed and agreed to.

Ordered, That Mr. Conwell wait on the House of Assembly with the said bond and resolution and transcribed amendments.

Adjourned till to-morrow morning, 10 o'clock.

SUNDAY, January 31st, 1779.

The Council met. Present all the members, except Mr. Bassett.

On motion, by order,

The report of the Committee for Public Accounts was read and deferred for consideration until to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

MONDAY, A. M., February 1st, 1779.

The Council met. Present all the members.

The Council now took into consideration the report of the Committee for Public Accounts, and having partially proceeded therein, the same was further postponed until to-morrow.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now reported the delivery of the several papers committed to him according to the order of Saturday last.

The bill for the ratification of the Articles of the Confederation by the Delaware State, and the bill for the quartering of soldiers, being engrossed, were read and compared and ordered to be signed by the Speaker of the Council; which was done accordingly.

On motion, by order,

The engrossed bill to prohibit, for a limited time, the distilling of whiskey from wheat, rye, or any other sort of grain, or from any meal or flour; the bill to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments, &c., and the bill to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, stationed at Newark and Dover, being respectively signed by the Speaker of the House of Assembly, were read, compared and ordered to be signed by the Speaker of the Council; which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, passed at this session, to wit:

1. The act to prohibit, for a limited time, the distilling of whiskey from wheat, rye, or any other sort of grain, or from any meal or flour;

2. The act to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments, and for ascertaining the pay of impressed teams and their drivers;

3. The act to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, stationed at Newark and Dover, in this State;

4. The act for the ratification of the Articles of Confederation by the Delaware State;

5. The act for the quartering of soldiers.

Ordered, That Mr. Polk deliver the said bills to the House of Assembly, respectively signed by the Speaker of the Council, together with the resolution for affixing the Great Seal to the same, for their concurrence.

Mr. Polk, being returned, reported the delivery thereof according to order.

The Council resumed the consideration of the bill, by way of supplement to the several acts of Assembly for the suppression of vice and immorality, and the same passed the Council.

Ordered, That Mr. Hyatt deliver the same to the House of Assembly for their consideration and concurrence.

Who reported the delivery thereof according to order.

On motion, by order,

The bill to increase the salaries and allowances to the Justices of the Supreme Court was read a second time and deferred for consideration till to-morrow morning.

On motion, by order,

The bill, by way of supplement to the act of pardon, was read the second time.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing a letter from the President of Congress of the 22d ultimo, and several acts of Congress on the subject of Finance, of October 8th and November 19th, 1778, and January 1, 2, 5, 13 and 14, 1779.

The same member also returned to the Chair the bond of John Jones, Esquire, and the resolution of the House of Assembly founded thereon, with the amendments proposed thereto by the Council agreed to by the Assembly, and a resolution of that House, with the said amendment inserted therein, directing the President to receive the monies due on the said bond.

The same member also returned the resolution of the Council for affixing the Great Seal to the laws therein mentioned, concurred in by the House of Assembly.

The same member also delivered to the Chair the supplementary act to the act for keeping in repair the banks of Fern Hook and Bosman's Creek Marshes, &c., signed by the Speaker of the Assembly, with a resolution for affixing the Great Seal to the said bill.

The same member also delivered a supplementary bill to the act for keeping in good repair the bridge and causey over the Broadkiln, in Sussex County.

On motion, by order,

The supplementary act to the act for keeping in repair the banks, &c., of Fern Hook and Bosman's Creek Marshes, was read, compared and signed by the Speaker.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal of this State to the foregoing bill, was read and concurred in by the Council,

On motion, by order,

The supplementary act to the act for keeping in good repair the bridge and causey over the Broadkiln, in Sussex County, was read the first time.

The Council taking into consideration the memorial of George Evans and George Latimer, Esquires, two of the members of the Privy Council of this State, requesting leave to resign their seats at that board, and it appearing by the minutes of this House that Thomas McDonough, Esq'r, and the said George Latimer were first elected by the Council, Mr. Latimer's resignation is accepted. The Council then proceeded to supply Mr. Latimer's place in the Privy Council, by ballot, when the box containing the ballots being examined by the Speaker, Eleazer McComb, of Kent County, Gentleman, having eight ballots of the nine put into the box, is declared elected a Privy Councillor.

Mr. Conwell applied for leave of absence, which is granted.

On motion of Mr. Bassett for a leave of absence for a few days, the same is granted.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 2d, 1779.

The Council met. Present all the members, except Messrs. Conwell and Bassett.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly directing Samuel Patterson, Esquire, State Treasurer, to pay to the Continental Congress this State's quota of the Continental tax for the year 1778, amounting to sixty thousand dollars, and the following verbal message, viz:

"*Gentlemen:*

"The House of Assembly have resolved to adjourn this day to "some future day."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of the committee's report on the Public Accounts, and proposed and agreed to sundry amendments.

The committee to whom were recommitted the bill for the relief of wounded officers, soldiers, &c., now reported, as their opinion, that the same be rejected and a new one framed instead thereof. A bill for this purpose being laid on the table, was, by order, read the first time.

Mr. Kollock, a member of Assembly, was admitted and delivered at the Chair the bill for raising one hundred and ninety-eight thousand dollars, for the service of the year 1779, by a general tax, signed by the Speaker of the House of Assembly, together with the original bill, the committee's report thereon, and the

amendments proposed by the Council thereto, in order to be compared and signed by the Speaker of the Council, with a resolution for affixing the Great Seal thereto.

Ordered, That Mr. Polk return to the House of Assembly the report of the Committee on the Public Accounts, and the paper of amendments proposed thereto by the Council for their concurrence, with the public accounts and vouchers.

Mr. Polk, being returned, reported that he had waited on the House of Assembly with the above papers, according to order.

The Council took into consideration the verbal message from the House of Assembly, delivered in the forenoon, and thereupn

Resolved, That a message, in answer to the same, be drawn up at the table, which was read and agreed to, and is as follows, viz :

Gentlemen :

The Council are of opinion that some of the business now before them, and which they deem necessary on the part of your and our constituents, cannot be completed in the short time your honorable House have limited for their sitting by their verbal message just delivered. The Council beg leave to remind you that no instructions for or certificate of the appointment of the Delegates from this State to Congress have been as yet sent to us ; that nothing has been done on the resolutions of Congress, delivered to us through your House late last evening, and if time is not given for these businesses they will be left undone. We have thought it our duty thus to shew our opinion of the consequences that must ensue from the adjournment of your House this evening, and submit the same to your consideration.

Signed by order of the Council.

Dover, February 2d, 1779.

Ordered, That Mr. Clowes deliver the said message to the House of Assembly.

Mr. Clowes reported the delivery according to order.

On motion, by order,

The resolution of the House of Assembly directing Samuel

Patterson, Esq., State Treasurer, to pay this State's quota of the Continental tax for the year 1778 to the Continental Congress, was read the first time.

By special order the same was read the second time and disagreed to; and thereupon, on motion,

Resolved, That the President or Commander-in-Chief of this State be authorized and appointed to draw orders on Samuel Patterson, Esq., State Treasurer, as well for the sixty thousand dollars raised in this State for the proportion demanded by Congress for the year one thousand seven hundred and seventy-eight, as for the one hundred and fifty thousand dollars to be raised in the State for its proportion demanded by Congress for the year seventeen hundred and seventy-nine, when the same, or any fourth part thereof, shall come to the hands of the State Treasurer, and direct the payment of the said sums respectively into the Treasury of the United States, and there placed to the credit of this State.

Ordered, That Mr. Polk deliver the same to the House of Assembly for their concurrence, together with the resolution of the House of Assembly disagreed to by the Council.

On motion, by order,

The resolution directing the President to receive the monies due on the bond of John Jones, Esq., et al., was read, concurred in, and is as follows, viz :

"In the House of Assembly,
"Monday, P. M., February 1, 1779.

"Mr. Speaker laid before the House an obligation, dated the "1st May, 1777, for one thousand pounds from John Jones, John "Dagworthy, and Levin Derrickson, of the County of Sussex, "Esquires, to this State, the said sum being a loan from the "State to the said John Jones, in pursuance of divers resolutions "of the General Assembly in February, 1777, for the encouragement and assistance of him in erecting salt works in this State, "with a special condition, agreeable to the purport of the said "resolutions; and the House taking the same into consideration, "and it appearing that no supply of salt for the use of the State, "made and manufactured therein, hath been obtained, and that

"more than one year hath elapsed since the date of the bond "aforesaid,

"*Resolved*, That it be recommended to the President or Com- "mander-in-Chief forthwith to take necessary and effectual mea- "sures to obtain the monies payable by the said obligation on "the non-performance of the condition thereof, and on the re- "ceipt of the same to apply them to the payment of the allow- "ances heretofore made by the General Assembly to the Militia "of Sussex County."

Ordered, That Mr. Polk return the foregoing resolution to the House of Assembly, concurred in by the Council, together with Mr. Jones' bond and the original resolution.

On motion, by order,

The memorial from the members of the Privy Council, and the resolution of the House of Assembly founded thereon, were read the second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said resolution, to the House of Assembly for their concurrence, by Mr. Polk.

Mr. Derrickson, a member of Assembly, was admitted and presented to the Chair a message from the House of Assembly to the Council, which, by order, was read, and follows in these words, viz:

"*Gentlemen:*

"The House of Assembly have taken your message, just now "delivered, into consideration. The desire they have to com- "plete the public business which at this time appears immedi- "ately necessary to be concluded, has induced them to postpone "their intended adjournment until to-morrow evening, but can- "not agree to sit longer; and therefore desire that all possible "dispatch may be given to the business most urgent."

On motion, by order,

The bill for making provision for the relief of wounded officers and soldiers, &c., was read the second time, and passed the Council.

Ordered, That Mr. Polk deliver the same to the House of Assembly for their concurrence, and return the bill proposed by that House rejected by the Council.

On motion, by order,

The supplementary bill to the act for keeping in good repair the bridge and causey over the Broadkiln, in Sussex County, was read the second time and deferred for consideration till to-morrow morning.

Adjourned till eight o'clock to-morrow morning.

WEDNESDAY, A. M., February 3d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers given in charge to him, agreeable to the order of yesterday.

On motion, by order,

The President's message to the General Assembly, of the first instant, and its inclosures, were severally read, and the said message is as follows, viz:

"*Gentlemen of the General Assembly:*

"I have just received, by express, from his Excellency, the "President of Congress, a letter of the 22d ultimo, inclosed with "divers acts of that honorable body on the subject of Finance, "which I have ordered the Secretary to lay before your Honors "for your perusal.

"CÆSAR RODNEY.

"Dover, February 1st, 1779."

On motion, by order,

The bill to increase the salaries and allowances to the Justices of the Supreme Court was read the third time and will pass.

Ordered, That Mr. Baning return the same to the House of Assembly, agreed to by the Council.

The Council now resumed the consideration of the supplementary bill to the act for keeping in good repair the bridge and causey over the Broadkiln, in Sussex County, and some amendments, by way of addition to the same, were proposed, agreed to, and ordered to be transcribed and sent therewith to the House of Assembly, for their concurrence, by Mr. Patterson.

Mr. Baning now reported the delivery of the bill to increase the salaries and allowances to the Justices of the Supreme Court, according to order.

On motion,

Ordered, That the bill for raising one hundred and ninety-eight thousand dollars, for the service of the year one thousand seven hundred and seventy-nine, by a general tax, and the bill, by way of supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on the south side of Christiana Creek, called Fern Hook Marsh, and of the marsh and meadow on the south side of the same creek, called Bosman's Creek Marsh, in the County of New Castle, to keep the banks and sluices in repair, and to raise a fund to defray the expenses thereof," being severally read and compared, be signed by the Speaker of the Council and returned, by Mr. Patterson, to the House of Assembly, together with the resolution of that House for affixing the Great Seal to the said bills, concurred in by Council.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair the memorial from the members of the Privy Council and the resolution founded thereon, with the amendments proposed thereto by the Council disagreed to by the House of Assembly.

The same member also returned to the Chair the resolution of Council empowering the President to draw orders on the State Treasurer for the payment of the sixty thousand dollars and one hundred and fifty thousand dollars, raised and to be raised for the years one thousand seven hundred and seventy-eight and one thousand seven hundred and seventy-nine, into the Continental Treasury, with an amendment proposed thereto by the House of

Assembly, and the resolution of that House disagreed to by the Council.

The same member also delivered to the Chair the Public Accounts and vouchers, the report of the committee thereon, and the Council's amendments thereto, in part agreed to by the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Patterson now reported the delivery of the several papers committed to him according to order.

The Council took into consideration the report of the Committee for Public Accounts and such of their amendments thereto as were disagreed to by the House of Assembly, and, on motion,

Resolved, That the Council appoint a committee to confer with a committee of the House of Assembly on the subject matter of the said amendments, and Messrs. Patterson and Clowes are named on the part of this House.

The Council took into consideration their amendment proposed to the resolution of the House of Assembly empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, &c., returned as rejected by the House of Assembly, and adhered to the same, and, on motion,

Resolved, That the Council appoint Messrs. Patterson and Clowes a committee to confer with a committee of the House of Assembly on the subject matter of the said amendments, disagreed to by the House of Assembly and adhered to by the Council, and thereupon the following message was drawn up at the table, and read and agreed to, viz :

Gentlemen:

The Council having taken into their consideration those parts of the report of the General Committee of Accounts to which they had proposed certain amendments, and since disagreed to by your honorable House, to wit: the allowance of sixty-one pounds five shillings to John Casson, for rations, and the allowance of forty shillings per day, instead of thirty shillings, to John Bullen, as Commissary of the Whig Battalion of Kent County, do still adhere to their proposed amendments in these two cases, and unless some reasons, not yet made known to them, shall be offered to induce a change of opinion, must continue to do so.

The Council have also reconsidered their amendment proposed to your resolution of the 26th ultimo, empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, &c., and do also adhere to the same; but, being willing to inform and be informed of every thing relative to the subjects of these amendments, do propose a conference by committees, to be appointed from each House, and, in confidence of your approbation of this mode, have named Messrs. Patterson and Clowes on the part of this House, to meet such gentlemen as may be appointed by you forthwith.

Signed by order of the Council.

Dover, February 3, 1779.

Ordered, That Mr. Polk deliver the same to the House of Assembly.

Mr. Polk reported the delivery according to order.

The Council took into their consideration their resolution empowering the President to draw for the sixty thousand dollars and one hundred and fifty thousand dollars, raised and to be raised in this State in the years seventeen hundred and seventy-eight and seventeen hundred and seventy-nine, and to be paid into the Continental Treasury, and the amendments proposed thereto by the House of Assembly, to insert the words [Speakers of the Council and House of Assembly be directed], instead of the words [President or Commander-in-Chief of this State be authorized and appointed], and the amendment being agreed to and made, the resolution was transcribed and sent to the House of Assembly, by Mr. Clowes, for concurrence.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair the bill entitled "A supplement to an act entitled 'An act for keeping in good repair the causey and bridge over the Broadkiln Creek, in Sussex County, and for regulating the toll for passing the same,'" and also the bill to increase the salaries and allowances of the Justices of the Supreme Court, severally engrossed and signed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bills.

On motion, by order,

The foregoing bills were severally read, compared, and ordered to be signed by the Speaker of the Council; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal to the said bills was read and concurred in.

Ordered, That Mr. Clowes return to the House of Assembly the foregoing bills, respectively signed by the Speaker of the Council, and also the resolution for affixing the Great Seal thereto, concurred in by the Council.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House requesting the President to transmit an exemplified copy of the act empowering the Delegates in Congress to subscribe the Articles of Confederation.

The same member also delivered to the Chair a resolution of the House of Assembly in favor of the Clothier-General, for the sum of two thousand five hundred pounds, to enable him to purchase a quantity of linen for the Delaware Regiment, with a resolution of that House obliging him to give security for the faithful discharge of his duty in office, and to be accountable for the public monies which come to his hands.

The same member also delivered to the Chair a resolution of the House of Assembly directing the Speakers of the two Houses to transmit to the commissioners under the act for raising one hundred and ninety-eight thousand dollars notifications of their appointment, and the following message, viz:

"*Gentlemen:*

"The House of Assembly have taken into consideration your "message, just now delivered, respecting the appointment of "conferees on the amendments proposed to the report of the "Committee of Accounts, &c., and have nominated on their "part Messrs. Joshua Clayton, West, and Kollock, for that pur- "pose. This House also inform the Council that they intend "shortly to adjourn, and beg the Council to give what dispatch "they can to the most urgent business before them."

On motion, by order,

The preceding resolutions, delivered with the above message, were severally read and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 3, 1779.

"*Resolved*, That the President or Commander-in-Chief be and "he is hereby empowered and requested to transmit to the Dele- "gates of this State in Congress an exemplified copy, under the "Great Seal, of the act of Assembly entitled "An act to author- "ize and empower the Delegates of the Delaware State to sub- "scribe and ratify the Articles of Confederation and Perpetual "Union between the several States."

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 3, 1779.

"WHEREAS it is proper that every person who holds any post "or place of profit within this State should give security for the "faithful performance of the duties thereof, and to account for "the public monies which may by virtue thereof come into his "hands; therefore

"*Resolved*, That George Craghead, Esq., Clothier-General of "this State, be required to give bond, in the name of the Dela- "ware State, with one or more sufficient sureties, in the sum "of fifteen thousand pounds, lawful money of this State, on or "before the first day of April next, conditioned for the faithful "performance of the duties of the said office, and to render "a just and true account to the General Assembly of all the "monies that may come into his hands by virtue of said office.

"*Also resolved*, That Samuel Patterson, Esquire, be and he is "hereby empowered and requested to take the said bond and lay "the same before the General Assembly at their next meeting.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 3, 1779.

"WHEREAS it is necessary to provide linen for the Delaware "Regiment for the present year,

"*Resolved*, That the Speakers of the Council and House of "Assembly do forthwith draw an order on the State Treasurer "in favor of George Craghead, Esq., Clothier-General for this "State, for the sum of two thousand five hundred pounds, to "enable him to purchase a quantity of linen for the purpose "aforesaid, and the said Clothier-General to be accountable for "the said sum to the General Assembly.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 3, 1779.

"*Resolved*, That the Speakers of the Council and House of "Assembly transmit to William McClay, of New Castle County, "merchant; William Manlove, of Kent County, merchant, and "Colonel Caleb Cirwithin, of Sussex County, a notice of their "appointment in the act for raising one hundred and ninety-"eight thousand dollars, for the purpose of ascertaining the "value of all real property within this State.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That the preceding resolutions, with the concurrence of the Council thereto respectively, be returned, by Mr. Clowes, to the House of Assembly.

Resolved, That the resolutions of the General Assembly on the Articles of Confederation and Perpetual Union between the

States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, passed previous to the act of ratification, be transcribed and certified copies of the same sent to the respective Delegates from this State in Congress forthwith.

Ordered, That the same be sent to the House of Assembly, for their concurrence, by Mr. Clowes.

Mr. Clowes, being returned, reported the delivery of the several papers committed to him, according to order.

On motion, by order,

The resolution for the payment of cloth, taken and seized by Colonel Charles Pope for the use of the Delaware Regiment, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., January 20th, 1779.

"The Committee of Accounts, to whom were referred the "accounts of divers quantities of cloth taken from several fulling "mills within this State by Lieutenant Colonel Charles Pope, of "the Delaware Regiment, for the clothing of the said regiment, "now reported a state thereof, amounting to eight hundred and "forty-five pounds sixteen shillings and four pence half penny, "and the same being taken into consideration,

"*Resolved*, That the Clothier-General for this State be and he "is hereby authorized and required to pay into the hands of the "owners or managers of the fulling mills respectively from whom "the said Charles Pope hath taken cloth for the clothing of the "said regiment such sum or sums of money as may be due for "the same, upon their producing accounts therefor duly authen- "ticated; and that the Speakers of both Houses be and they are "hereby empowered and directed to draw an order on the State "Treasurer for the sum of eight hundred and fifty pounds in "favor of the said Clothier-General, to enable him to carry into "execution this resolution.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That Mr. Polk return the same to the House of Assembly concurred in by the Council.

Mr. Polk reported the delivery thereof according to order.

The committee of conferees on the subject matter of the amendments proposed to the report of the Committee of Public Accounts, now delivered their report at the table, which, by order, was read and agreed to.

Mr. Lockwood, a member of Assembly, was admitted and returned to the Chair the resolution of Council for furnishing the Delegates in Congress with certified copies of the resolutions passed previous to the act of ratification, concurred in by the House of Assembly.

The same member also delivered to the Chair a certificate of appointment of Delegates from this State to Congress.

Mr. Craghead, a member of Assembly, was admitted and returned to the Chair the resolution of the Council empowering the Speakers of the two Houses to draw orders for the payment of divers sums into the Continental Treasury, concurred in by the House of Assembly.

The same member also delivered to the Chair the resolution empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein; whereupon the the said resolution was concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., January 26th, 1779.

"The House of Assembly having resumed the consideration "of that part of the report of the committee to whom the remon- "strance of the Chief Justice of this State and the memorial of "the Privy Council were referred, which relates to an allowance "to each of the members of the said Council,

"*Resolved*, That the Speakers of the Council and House of "Assembly be empowered and directed to draw on the Trustees "of the Loan Offices of this State, or any of them, for the sum "of one hundred pounds in favor of each of the members of the

"Privy Council of this State, for his expenses incurred in the "discharge of the duties of his office previous to the passing of "the act of the General Assembly entitled 'An act for regulating "and establishing the fees of divers civil officers of this State, "and other purposes therein mentioned,' on the 26th day of "June last; and that the Speakers of both Houses be also em- "powered and directed to draw, in like manner, for the sum of "one hundred pounds in favor of James Booth, Secretary of this "State, for his services and expenses incurred by his attendance "on the duties of his said office during the time aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The certificate of the appointment of Delegates to Congress was read, and an amendment was proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson wait on the House of Assembly with the said certificate and transcribed amendment, for their concurrence, and return the resolution empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, concurred in by the Council.

Mr. Patterson, being returned, reported the delivery of the above papers according to order.

Ordered, That Mr. Hyatt return to the House of Assembly the two accounts of Cæsar Rodney, Esq., with their vouchers, amounting to five thousand two hundred and sixty-six pounds nineteen shillings and two pence, and inform them that the Council have examined and allowed the same, and that he deliver the following verbal message, viz:

Gentlemen:

The Council beg leave to remind you that you have not informed them of your determination upon the two first matters reported upon by the committee of conferees relative to the allowance for rations to Captain Casson and his officers, and the allowance to John Bullen for his service as Commissary to the Whig Battalion, and until this is known these accounts cannot be closed.

Mr. Hyatt reported the delivery of the above papers according to order.

The Council now took into consideration the supplement to the embargo act, sent from the House of Assembly, and agreed that the following verbal message should be sent to that House, viz :

Gentlemen :

The Council having under their consideration the supplement to the embargo act, sent from your House, beg to be informed how it hath appeared to your honorable House that there is "just cause to fear that unless a prohibition of the exportation of provisions from this State be extended to the States of Maryland and Virginia many of the inhabitants of this State will suffer." As this House have as yet a different sentiment of the quantity of provisions to be spared from the State, but lest the fears above expressed may prove real and great distress ensue to our constituents, we think it our duty, though thus late in the session, to proceed on this bill if from your state of the fact it shall in any wise appear dangerous to omit it, and at the same time we beg to know why the States of Maryland and Virginia only are excluded, and the States of Pennsylvania and New Jersey left open, as it hath and will probably happen that the exportation to Pennsylvania alone will exceed that of all the rest.

Ordered, That Mr. Hyatt deliver the same to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery according to order.

Mr. Derrickson, a member of Assembly, was admitted and delivered to the Chair the public accounts and vouchers, the report of the committee thereon, and the Council's amendments thereto, with the report of the joint committee of conference, agreed to by the House of Assembly.

The same member also delivered a resolution of the House of Assembly empowering the Speakers of the two Houses to draw for monies agreed by the General Assembly to be due to Capt. Nathaniel Mitchell and a certain William Arnold, of Sussex County ; and also the certificate of the appointment of Delegates

to Congress, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order,

The foregoing report of the joint committee of conference was read, concurred in, and is as follows, viz:

"The joint committee of conference report that they have "agreed to allow Captain Casson and officers the sum of sixty-"one pounds five shillings, for their rations.

"They further report that, on examining John Bullen's ac-"count, they are of opinion he should be allowed the sum of one "hundred and eighty pounds for his services as Commissary to "the Whig Battalion, and that the balance due from him to the "State is fifty-three pounds, on that service.

"They further report that the amendment proposed by the "Council to the resolution of the House of Assembly respecting "the Privy Council should be agreed to."

On motion, by order,

The foregoing resolution empowering the Speakers of the two Houses to draw in favor of Captain Mitchell and William Arnold was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., February 3, 1779.

"On motion,

"*Resolved*, That the Speakers of the Council and Assembly be "empowered and directed to draw upon the State Treasurer for "the sum of one hundred and seventy-nine pounds six shillings "and two pence half-penny, agreed by the General Assembly, "on the twenty-second day of February, one thousand seven "hundred and seventy-seven, to be due to Captain Nathaniel "Mitchell, and also for the sum of one hundred and twelve "pounds and three pence, agreed by the General Assembly, "on the same day, to be due to a certain William Arnold, of "Sussex County.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order, the certificate of the appointment of Delegates was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"WEDNESDAY, P. M., February 3, 1779.

"WHEREAS the Honorable John Dickinson, Nicholas Van-"dyke, and Thomas McKean, Esquires, have been chosen, by "joint ballot of both Houses in the General Assembly, to rep-"resent the Delaware State in the Congress of the United States "of America this present year,

"*Resolved*, That they, or any of them, are hereby fully au-"thorized and empowered, for and in behalf of this State, to "concert, agree to, and execute any measure which they, or "any two of them, together with a majority of the said Con-"gress, shall judge necessary for the defence, security, interest "and welfare of this State in particular, and the United States "in general; and generally to exercise, in concert with other "of the United States in Congress assembled, the respective "powers prescribed in the Articles of Confederation and Per-"petual Union of the said States.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Clowes return the foregoing report, resolution and certificate, with the concurrence of the Council thereto respectively, and the public accounts and vouchers, to the House of Assembly.

Mr. Clowes, being returned, reported the delivery of the above according to order.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, February 4, 1779.

The Council met. Present all the members, except Messrs. Conwell, Bassett, and Read.

Resolved, That the Speaker and Mr. Bassett revise and correct the minutes of this House and have the same printed.*

WHEREAS the General Assembly of Delaware, by their joint resolution of the 3d February instant, empowered and directed the Speakers of the Council and House of Assembly to draw their orders on the State Treasurer as well for the sixty thousand dollars raised in this State for the proportion demanded by Congress for the year one thousand seven hundred and seventy-eight as for the one hundred and fifty thousand dollars to be raised in the State for its proportion demanded by Congress for the year seventeen hundred and seventy-nine, when the same, or any fourth part thereof, shall come to the hands of the State Treasurer, and to direct the payment of the said sums respectively into the Treasury of the United States, there to be placed to the credit of this State,

You are hereby directed to pay the said sixty thousand dollars into the said Treasury of the United States forthwith, and also the one hundred and fifty thousand dollars when the same, or any fourth thereof, may come to your hands, and have the same placed to the credit of this State, and the same payments shall be allowed you on settlement of your accounts with the committee of the General Assembly for that purpose to be appointed.

Then the Council allowed the following accounts, brought in at their present meeting, for services rendered the State and expenses incurred during their attendance on the Council, viz:

No. 1.	To Col. French Battell's account, as adjusted, ...	£420	15 9
No. 2.	To Samuel Patterson, Esq., his account for traveling charges, ...	6	0 0
	Carried over, ...	£426	15 9

* The motion to adopt and the note of passage of this and the subsequent resolution are absent in the original minutes.

			£	s	d
		Brought over, ...	426	15	9
No.	3.	To William Polk, Esq., ditto, ...	2	10	0
	4.	To John Clowes, Esq., ditto, ...	3	0	0
	5.	To Peter Hyatt, Esq., ditto, ...	1	10	0
	6.	To William Conwell, Esq., ditto, ...	3	0	0
	7.	To George Read, Esq., ditto, ...	9	0	6
	8.	To Benjamin Vining, as Clerk of Council, .	20	10	0
	9.	To Thomas North, barber, his account, . .	17	5	0
	10.	To John Bullen, his account for forage, . .	9	12	0
	11.	To sundries from Mr. Battell, ...	3	17	6
Total,*			£516	0	9

Ordered, That the Speaker draw orders on the Trustees of the Loan Offices of Kent and Sussex Counties, in equal proportions, for the said sum of five hundred and sixteen pounds and nine pence, in favor of Mr. French Battell.

Whereupon the said orders were drawn, and the Council adjourned till the 17th day of May next, to meet at the Town of Dover.

* This total is £19 more than the items show, but so it is recorded.

MINUTES OF COUNCIL.

MAY, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1779.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Monday, the 17th day of May, Anno Domini 1779, a sufficient number of the members to compose a House not attending, the Council adjourned from day to day until Monday, the 24th day of this instant.

MONDAY, May 24th, 1779.

The following members attended in the Council, viz :

For New Castle County—Peter Hyatt.

For Kent County—The Honorable Thomas Collins, Richard Bassett, John Baning.

For Sussex County—William Conwell, William Polk, John Clowes.

On motion,

Resolved, That a committee of two be appointed to wait on his Excellency, the President, and inform him that a sufficient num-

ber of the members of the Council have met to form a House, and are ready to receive any business which he may have to lay before them.

The gentlemen chosen: Mr. Bassett and Mr. Conwell.

The committee, being returned, reported that they had waited on his Excellency, the President, with the above message, according to order, when he was pleased, in answer, to say that he had laid all the business which he had before the General Assembly, by message, which was delivered to the Speaker of the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 25th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing a letter from the President of Congress of the 7th April, and two acts of Congress, the one, of the 23d March, for regulating the Clothing Department, the other, of the 5th April, providing for the pay of the officers employed in it; also a letter from Mr. Pomeroy, Commissioner for settling all accounts of arrearages for clothing for the year 1777, requesting a return of the expenditures of this State, and an act of Congress of the 2d March to that effect.

The same member also delivered a letter from the President of the State of New Hampshire, inclosing an act of the General Court of that State to prevent the return into that State of certain persons therein mentioned, &c.

The same member also delivered to the Chair a copy of the President's Proclamation for suspending part of the act "to prohibit the exportation of provisions from this State beyond the seas for a limited time," so far as the same relates to the Massa-

chusetts Bay ; with a letter from the President of Congress, inclosing an act of that body for affording relief to the distressed inhabitants of the Island of Bermuda, and a resolution of the House of Assembly prohibiting the exportation of Indian Corn to the Island of Bermuda.

On motion, by order, the foregoing message, and its inclosures, were severally read, and the said message follows in these words, viz :

"*Gentlemen of the General Assembly :*

"Since your last sitting I received a letter from the honorable the President of Congress, with an act of that honorable body, dated the ninth day of March last, recommending it to the several States to make up and complete their respective battalions to their full complement, by drafts, or in any other manner they shall think proper, and to have their quotas of deficiencies ready to take the field and to march to such place as the Commander-in-Chief shall direct without delay, &c. As there is not a power vested in any but the General Assembly to comply with the act on the part of this State, and as this is the first opportunity I have had, I must now, tho' late in the year, beg leave to lay the letter and act, with a return of the regiment, before your Honors for consideration.

"The Secretary will lay before your Honors, with the President's letter, two acts of Congress, one of the twenty-third of March, for regulating the Clothing Department, the other, of the fifth of April, providing for the pay of the officers employed in it. He will also lay before you a letter from Mr. Pomeroy, the Commissioner appointed to settle and pay all accounts of arrearages for clothing due to the troops of these States for the year seventeen hundred and seventy-seven, requesting a return of the expenditures of this State, and also an act of Congress, dated the second of March, to that effect.

"By the Secretary I have sent you a letter from his Excellency, the President of the State of New Hampshire, inclosing an act of the General Court of that State 'to prevent the returning into the State certain persons therein named, and others who have left or shall leave that State, or either of the United States of America, and have joined or shall join the enemies thereof.'

"Permit me to inform your Honors that, in virtue of a recommendation of Congress, I have, with the advice of the Privy Council, suspended, by proclamation under the Great Seal, a part of the act 'to prohibit the exportation of provisions from this State beyond the seas for a limited time,' so far as the same relates to the State of Massachusetts Bay, and now send you, with a copy of the proclamation above mentioned, a recommendation of Congress for affording relief to the distressed inhabitants of Bermuda.

"Gentlemen—I have just received, and beg leave to lay before you for consideration, a letter from the Honorable John Dickinson, Esquire, one of the Delegates in Congress on the part of this State, by which you will find Congress have called upon the United States, in addition to the sum required by a resolution of the second of January last, for their respective quotas of five millions of dollars, to be paid into the Continental Treasury before the first day of January next; that the quotas are to be in the same proportion with those of the fifteen million, and that the quota of this State will be four hundred and fifty thousand dollars.

"You will receive herewith a remonstrance, signed by a number of the officers of the Delaware Regiment, addressed to the House, and just put into my hands to lay before you.

"Dover, May 24th, 1779. CÆSAR RODNEY."

On motion, by order,

The resolution of the House of Assembly prohibiting the exportation of Indian corn to the Island of Bermuda was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the resolution prohibiting the exportation of Indian corn to the Island of Bermuda was read the second time and rejected; and thereupon

Resolved, That a committee of two be appointed on the part of the Council to confer with a committee of the House of Assembly on the subject matter of the resolution of Congress for affording relief to the distressed inhabitants of Bermuda, and the resolution of the House of Assembly founded thereon.

The members chosen: Mr. Clowes and Mr. Bassett.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing resolution of Congress, and the resolution of the Assembly founded thereon, and deliver the following verbal message from the Council to the House of Assembly, viz:

Gentlemen:

The Council took into consideration your resolution of yesterterday respecting the exportation of Indian corn from this State to the Island of Bermuda, for the relief of the distressed inhabitants there, and beg leave to inform your honorable House that, as at present advised, they cannot concur with you, and therefore propose that a committee of both Houses be appointed to confer on the subject matter of the said resolution, if agreeable to your honorable House, and do accordingly appoint, on the part of this House, for the purpose aforesaid, Messrs. John Clowes and Richard Bassett, who will attend your committee when and where they shall appoint.

Mr. Conwell, being returned, reported the delivery of the above papers according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the answer of the House of Assembly to the above verbal message of the Council, which was read, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., May 25, 1779.

"Read the first time, and the House, on their part, appoint "Messrs. Lea, Ridgely, and Latimer conferees for the purpose "aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Adjourned till to-morrow morning, 8 o'clock.

WEDNESDAY, A. M., May 26, 1779.

The Council met. Present the same members as on yesterday.

Some of the members attending the committee of conference, the Council adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of conferees on the subject matter of the resolution of the House of Assembly prohibiting the exportation of Indian corn from this State to the Island of Bermuda for the relief of the distressed inhabitants there, now made their report, which, by order, was read and agreed to.

On motion, by order,

The supplementary bill to the act of pardon was read by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said

bill, to the House of Assembly for consideration and concurrence, by Mr. Baning.

On motion of Mr. Polk, for leave of absence till ten o'clock on Monday next, the same was granted.

Adjourned till to-morrow morning, 8 o'clock.

THURSDAY, A. M., May 27th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Polk.

Mr. Baning now reported the delivery of the papers committed to him, according to the order of yesterday.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the accounts and vouchers of the Clothier-General, with the report of the Joint Committee for Public Accounts thereon.

On motion,

Resolved, That a committee be appointed to prepare and bring in a bill, by way of supplement to an act entitled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time."

The members chosen: Mr. Bassett and Mr. Clowes.

On motion, by order,

The report of the Joint Committee for Public Accounts on the Clothier-General's accounts, was read the first time.

By special order the same was read the second time and agreed to, and is as follows, viz:

"The joint committee appointed for settling and adjusting the "public accounts, report that they have examined the accounts "of expenditures of George Craghead, Esq., Clothier-General "of this State, and find a balance due from the said George

"Craghead to this State of two hundred and fifty-six pounds ten "shillings and two pence. In the examination of the account "they find that he has charged a commission of five per cent. "on all his purchases, as also on the sum of two thousand three "hundred and twenty pounds paid to the officers of the Dela- "ware Regiment, voted to them by a resolution of the General "Assembly as a compensation for their former services, which "commissions, your committee think, are too large and extrava- "gant for that last mentioned service, and that two and a-half "per cent. will be a sufficient allowance for paying away that "sum, and have therefore charged him with the sum of fifty- "eight pounds, it being the difference between the five per cent. "and two and a-half per cent. All which your committee sub- "mit to the consideration of the House."

Ordered, That Mr. Hyatt return to the House of Assembly the foregoing accounts and vouchers of the Clothier-General, with the report of the Joint Committee of Public Accounts thereon, agreed to by the Council.

Mr. Hyatt reported the delivery thereof according to order.

The committee appointed to prepare and bring in a bill, by way of supplement to an act entitled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time," now delivered one at the table.

On motion, by order, the said bill was read the first time.

By special order the same was read the second time.

The same, by order, was read a third time by paragraphs and will pass.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence, by Mr. —.

Adjourned till to-morrow morning, 8 o'clock.

FRIDAY, A. M., May 28th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Read.

Mr. Stout, a member of Assembly, was admitted and presented to the Chair a message from his Excellency, the President, to the General Assembly, inclosing a memorial addressed to him by Capt. William Murray, of the Island of Bermuda, praying leave to exchange salt for corn.

The same member also delivered to the Chair a resolution of the House of Assembly for a draught of twelve thousand dollars in favor of the Clothier-General, with a resolution of that House for the sale of divers articles of clothing by the said Clothier-General.

On motion, by order,

The President's message and Capt. Murray's memorial, accompanying the same, were severally read, and the said message is in these words, viz :

"*Gentlemen of the General Assembly :*

"Since my message of the 24th instant, I have received, and "now beg leave to lay before you, a letter from the President of "Congress, with an act of that honorable body calling on the "States for forty-five millions of dollars.

"The Secretary will lay before your Honors, for consideration, "the application of Captain William Murray, of the Island of "Bermuda, for leave to exchange salt for corn, and I am to in-"form you that Mr. Murray wishes to be called before the House "and examined touching his application.

"Dover, May 28th, 1779. CÆSAR RODNEY."

On motion, by order,

The resolution of the House of Assembly for a draught of twelve thousand dollars in favor of the Clothier-General, was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., May 27th, 1779.

"On motion,

"*Resolved*, That the Speakers of both House be empowered "and directed to draw upon William McClay, Commissioner for "the sale of Forfeited Estates in the County of New Castle, for "the sum of twelve thousand dollars in favor of George Crag-"head, Esq., Clothier-General of this State, to enable him to "furnish each officer of the Delaware Regiment with the clothes "allowed by the General Assembly to the said officers for the "present year.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

On motion, by order,

The resolution of the House of Assembly for the sale of divers articles of clothing by the Clothier-General, was read the first time.

By special order the same was read the second time, and some amendments were proposed and agreed to.

Ordered, That the same be transcribed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Baning return to the House of Assembly the resolution for a draught of twelve thousand dollars in favor of the Clothier-General, with the concurrence of the Council thereto, and also the resolution for the sale of divers articles of clothing by the Clothier-General, with a paper of amendments proposed thereto by the Council.

Mr. Baning, being returned, reported the delivery of the same according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair an act of Congress recommending to the several States to complete their respective battalions to their full complement, with a resolution of the House of Assembly for filling up the Delaware Regiment, and the return of said regiment, a remonstrance from the officers of the same regiment, and the resolutions of the House of Assembly for the encouragement of the officers thereof.

On motion, by order,

The foregoing resolutions, return and remonstrance were severally read the first time.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly respecting the clothing of the Delaware Regiment, and also the resolution for the sale of divers articles of clothing by the Clothier-General, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order,

The foregoing resolution respecting the clothing of the Delaware Regiment was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., May 28th, 1779.

"WHEREAS George Craghead, Esq., Clothier-General, hath "informed the House that there are divers quantities of woollen "cloth, &c., belonging to this State, in the hands of Lieutenant "Colonel Charles Pope, of the Delaware Regiment, and others,

"*Ordered therefore*, That the said Clothier-General receive "of Colonel Pope all the cloths, blankets, and other articles "of clothing in his hands belonging to this State, and also that "he receive of all other persons such clothing or articles thereof "as they may have in possession belonging to the State, and "apply the same towards clothing the Delaware Regiment, first "returning an exact account of each article so obtained, and

"from whom, to the President of the State, to be laid before the "General Assembly at their next sitting.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That Mr. Read return the foregoing resolution to the House of Assembly, concurred in by the Council.

Adjourned till to-morrow morning, 8 o'clock.

SATURDAY, A. M., May 29th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Polk.

On motion,

The President's message of the 28th instant, with the memorial of William Murray, of the Island of Bermuda, was read a second time and taken into consideration.

Resolved, That it is the opinion of this House that the distress of the inhabitants of the said Island of Bermuda ought to be relieved by a speedy supply of provisions from this State, and that power be given to the President, with the advice of the Privy Council, to grant his license for the same to such persons whose attachment to the United States is vouched or known, and that a bill be prepared and brought in for this purpose.

Whereupon such a bill is laid upon the table.

On motion, ordered that the same be read the first time.

By special order the same was read the second time, and it will pass.

Ordered, That the said bill be engrossed.

Ordered also, That the said bill engrossed be sent, with the President's message of the 28th instant, and Captain Murray's

memorial, to the House of Assembly, for their consideration and concurrence, by Mr. Read.

Mr. Read, being returned, reported the delivery of the several papers committed to him, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the bill for the relief of the inhabitants of the Island of Bermuda, concurred in by that House and signed by their Speaker, with a resolution of the House of Assembly for affixing the Great Seal to the same.

On motion, ordered that the said bill be now signed by the Speaker of the Council, and that the same pass into a law.

Ordered also that the Speaker sign the resolution for affixing the Great Seal to the said bill, and that the same be delivered to the President.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the public accounts and vouchers, and the report of the Joint Committee of Public Accounts, and a resolution of the House of Assembly for the advance of three hundred dollars to Captain Learmouth.

On motion, by order, the said resolution was read the first time.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 31st, 1779.

The Council met. Present all the members as on Saturday, except Messrs. Clowes, Polk and Conwell.

On motion, by order,

The resolution respecting an advance of monies to Captain Learmouth was read and concurred in, and is as follows, viz :

"WHEREAS by Captain Learmouth's enlistment accounts for "the last campaign, a balance appears due to him, but the same "cannot now be settled for want of the vouchers ; therefore

"*Resolved*, That the President of this State be requested to "advance three hundred dollars to the said John Learmouth out "of any public monies in his hands, for which the said Lear- "mouth is to be accountable to the General Assembly.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Hyatt return the foregoing resolution to the House of Assembly, concurred in by the Council.

Mr. Hyatt reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., June 1st, 1779.

The Council met. Present the same members as on yesterday, and also Messrs. Clowes and Conwell.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, with the report of the committee for settling the Loan Office accounts in the year seventeen hundred and seventy-six.

The same member also delivered a memorial from Capt. Allen McLane, of the 28th April, 1779, addressed to the Congress of the United States, accompanied with an act of Congress, founded thereon, enclosed in a letter from the President of Congress to the President of this State, and a report of the Joint Committee of Accounts upon the same memorial, accounts and vouchers of Capt. Allen McLane.

On motion, by order,

The foregoing memorial of Capt. Allen McLane, and the act of Congress indorsed thereon, and the report of the Joint Committee of Accounts on the said memorial and accounts, were severally read, and the said report of the Joint Committee of Accounts was concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"TUESDAY, A. M., June 1st, 1779.

"The Committee of Accounts, to whom were referred the "memorial of Captain McLane, &c., made their report, which "was read and agreed to by the House, and follows in these words, viz :

"The Joint Committee of Accounts, to whom were referred "the memorial of Captain McLane and the resolution of Con-"gress thereon, beg leave to report that they have carefully ex-"amined his accounts and all the circumstances attending them, "and find that Capt. McLane has received the same allowance, "at settlement of his accounts with the auditors, that the officers "of the Delaware Regiment have, but that Capt. McLane, from "his particular situation, not being under the direction of any "State, and not having similar orders for recruiting with the

"officers belonging to particular States, he was obliged to pur-
"sue those of his colonel, whereby he incurred an extraordinary
"expense, amounting to three hundred and nine pounds four-
"teen shillings and four pence, which your committee think
"should be allowed him, and be charged by this State to the
"Continent, agreeable to the aforesaid resolution of Congress,
"indorsed on his memorial.

"On motion,

"*Resolved*, That the Speakers of both Houses draw on the
"State Treasurer for the aforesaid sum of three hundred and
"nine pounds fourteen shillings and four pence in favor of Capt.
"Allen McLane.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That the same be returned to the House of Assembly, with the concurrence of the Council thereto, together with Capt. McLane's memorial, accounts and vouchers, and the act of Congress indorsed thereon, and the President's letter, by Mr. Clowes.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 16th December last, for annexing Captain Allen McLane's company to the Delaware Regiment, and a copy of General Washington's order to the commanding officer of the Delaware Regiment to annex Capt. McLane's company to the said regiment, together with a memorial from Captain McLane to the General Assembly, praying leave to be annexed to the Delaware Regiment, and a resolution of the House of Assembly for that purpose, founded on the said memorial.

On motion, by order, the foregoing papers were severally read, and the resolution of the House of Assembly for annexing Capt. McLane's company to the Delaware Regiment, was concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., June 1, 1779.

"A memorial from Captain Allen McLane was presented to
"the Chair, and, by order, read the first time, and thereupon

"*Resolved*, That Captain Allen McLane, his officers, and the "non-commissioned officers and privates of his company, be "annexed to the battalion or regiment of this State, agreeable "to the resolution of Congress of the 16th of December last, "and the direction of his Excellency the Commander-in-Chief "of the Army, and that they be allowed the same pay, emolu- "ments and advantages with the other officers and men belong- "ing to the same regiment, and be in all respects considered as "part of the same corps.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That Mr. Clowes return the said resolution to the House of Assembly concurred in by the Council, together with the foregoing act of Congress, General Washington's order, and Captain McLane's memorial.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., June 2d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Clowes now reported the delivery of the several papers committed to him, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for the better proportioning the punishment to the crime of slave and horse stealing and conjuration, and for other purposes."

On motion, by order, the foregoing bill was read the first time.

On motion, by order,

The resolutions of the House of Assembly for filling up the Delaware Regiment were read a second time, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said resolutions, to the House of Assembly, for their consideration and concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, &c., was read the first time.

On motion, by order,

The resolutions of the House of Assembly for the encouragement of the officers of the Delaware Regiment were read the second time and deferred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., June 3d, 1779.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of Assembly, was admitted and delivered to the Chair the resolutions for filling up the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein.

The same member also delivered a bill for the better securing elections within this State.

The same member also delivered a bill to increase the fines and penalties on the civil and military officers and the privates of the Militia for refusal or neglect of duty, and to augment the fees of several officers and other persons, and also the following order of the House of Assembly respecting their adjournment, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., June 3d, 1779.

"On motion,

"*Ordered*, That Mr. Kollock wait on the Council and inform "them that this House intend to adjourn on Saturday next to "the thirtieth day of September following.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

On motion, by order,

The resolutions for filling up the Delaware Regiment, as amended and agreed to, were read and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, June 3d, 1779.

"WHEREAS by a return of the present state of the Delaware "Regiment, the same appears to be deficient in numbers; in "order, therefore, to fill up the said regiment

"*Resolved*, That the President be requested to apply to Gen-

"eral Washington, or the commanding officer of the regiment "aforesaid, forthwith to order three or more officers from the "said regiment into this State upon the recruiting service.

"*Resolved also*, That every officer be allowed one hundred "dollars for each able-bodied soldier he may enlist to serve dur- "ing the war, and who shall pass muster.

"That an additional bounty of eighty dollars, over and above "the two hundred dollars allowed by Congress, be given to every "soldier that may be so enlisted.

"That the President be authorized to appoint one or more fit "persons within this State to muster such recruits.

"That the Speakers of both Houses be empowered to draw "an order on the State Treasurer in favor of the President for "thirty-six thousand dollars, and that the President, on receipt "of the same, advance thereout from time to time to the officers "respectively appointed to recruit for the said regiment such "sum or sums as he shall judge prudent and necessary to enable "them to proceed in the said service.

"That the said officers respectively, before they depart the "State, when called upon by the President, shall account with "him for the expenditure of all monies received for the purpose "aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., June 4th, 1779.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for the better securing elections within this State was read the first time.

On motion, by order,

The bill to increase the fines and penalties on civil and military officers, and the privates of the Militia, for refusal or neglect of duty, &c., was read the first time.

On motion for leave to bring in a bill for the speedy recovery of public debts, the same was granted; whereupon a bill for that purpose was laid on the table.

On motion, by order, the said bill was read the first time.

By special order, the same was read the second time and will pass.

On motion, by order,

The bill for the better proportioning the punishment to the crime of slave and horse stealing, &c., was read the second time by paragraphs, and some amendments were proposed, agreed to and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the last-mentioned bill, with the paper of amendments proposed thereto by the Council, and also the resolutions for filling up the Delaware Regiment, with the concurrence of the Council thereto, and to deliver to that House the bill for the speedy recovery of public debts, for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now reported the delivery of the above papers according to order.

Mr. Patterson now appeared in the Council.

The Council now took into consideration the resolutions of the House of Assembly for the encouragement of the officers of the Delaware Regiment, and several amendments, by way of addition to the same, were proposed and agreed to.

Ordered, That Mr. Polk return the said resolutions and transcribed amendments to the House of Assembly, for their concurrence.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, was read the second time, and sundry amendments were proposed and agreed to.

Ordered, That Mr. Hyatt return the said bill, with the transcribed amendments thereto, to the House of Assembly for concurrence, and the copy of the state of the public accounts in Sussex County.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a bill for the introducing economy in the purchasing supplies for the Army of the United States.

The same member also delivered to the Chair a resolution of the House of Assembly for the appointment of a committee to settle the State Treasurer's accounts.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., June 5th, 1779.

The Council met. Present all the members.

Mr. Hyatt now reported the delivery of the several papers given to him in charge, according to the order of yesterday.

On motion, by order,

The bill for the better securing elections within this State was read the second time.

The same was read a third time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That Mr. Baning return the said bill to the House of Assembly, with the paper of amendments proposed thereto by the Council, for their consideration and concurrence.

Mr. Baning, being returned, reported the delivery thereof according to order.

Dr. Clayton, a member of Assembly, was admitted and delivered to the Chair a bill for raising an additional sum of four hundred and ninety-five thousand dollars by a general tax.

The same member also delivered to the Chair the report of the committee appointed to state an account of expenditures by this State on behalf of the Continent, with the report of the Joint Committee of Accounts, and the public accounts and vouchers.

The same member also delivered to the Chair the resolutions for the encouragement of the officers of the Delaware Regiment, with the paper of amendments proposed thereto by the Council, in part acceded to by the House of Assembly.

On motion, by order,

The bill for raising an additional sum of four hundred and ninety-five thousand dollars, &c., by a general tax, was read the first time.

On motion, by order,

The bill to increase the fines and penalties on civil and military officers, &c., was read the second time.

Mr. Latimer, a member of Assembly, was admitted and returned to the Chair the bill for the speedy recovery of public debts, with a paper of amendments proposed thereto by the House of Assembly.

On motion, by order,

The bill for the introducing economy in the purchasing supplies for the Army of the United States was read the first time.

On motion, by order,

The resolution of the House of Assembly for the appointment of a committee to settle the accounts of the State Treasurer was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., June 4th, 1779.

"On motion,

"*Resolved*, That a committee of three be appointed to settle "and adjust the accounts of the State Treasurer, and make "report thereof to the General Assembly at their next sitting. "The members appointed, on the part of this House, were "Joshua Clayton and George Latimer, Esquires.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

And thereupon the Council appoint, on their part, John Thompson, of New Castle County, Esquire, to join the said committee of the House of Assembly for the purpose aforesaid.

On motion, by order,

The report of the committee appointed to state an account of expenditures by this State on behalf of the Continent, was read the first time.

On motion, by order,

The report of the Joint Committee of Public Accounts was read the first time.

The Council then reconsidered their amendments to the resolution of the House of Assembly for the encouragement of the officers of the Delaware Regiment, which was disagreed to by that House, and adhered to the same.

On motion, by order,

The Council took into consideration the amendments proposed by the House of Assembly to the bill for the speedy recovery of public debts, and the same being agreed to were made in the bill, and thereupon

Ordered, That the said bill be engrossed.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill for the recovery of public monies from the late Trustees of the Loan Office in Sussex County, and others therein named; the bill for the better proportioning the punishment to the crime of slave and horse stealing and conjuration, and for other purposes; also the supplement to an act entitled "An act of free pardon and oblivion"; and also the bill for the better securing elections within this State, (with the several amendments proposed to the same bills) respectively signed by the Speaker of the House of Assembly, in order that the said bills may be compared and signed by the Speaker of the Council.

The same member also delivered a resolution of the House of Assembly for affixing the Great Seal of this State to the foregoing bills.

Ordered, That Mr. Clowes return to the House of Assembly the resolutions for the encouragement of the officers of the Dela-

ware Regiment, and the amendments proposed thereto by the Council, and inform them that the Council still adhere to their amendment partially disagreed to by the House of Assembly.

Mr. Clowes reported the delivery thereof according to order.

Mr. Cook, a member of Assembly, was admitted and delivered the last-mentioned resolutions, with the amendments proposed thereto by the Council generally agreed to by the Assembly and made therein, and the same, as amended, were read and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., May 28, 1779.

"WHEREAS from the advanced prices of the necessaries of "life the officers of the Delaware Regiment, in the service of the "United States of America, cannot furnish themselves with the "same, with their present pay, without injury to their private "fortunes; in order therefore to relieve the officers of the said "regiment from the difficulties aforesaid and enable them to con- "tinue in the service of their country,

"*Resolved*, That the officers of the Delaware Regiment, here- "after mentioned, be allowed monthly, except while on furlough, "until otherwise ordered by the General Assembly, as follows, to "wit: Each field officer, two gallons of rum, six ounces of tea, "two pounds of coffee, two pounds of chocolate, and six pounds "of Muscovado sugar; each captain, five quarts of rum, five "ounces of tea, one pound and an half of coffee, one pound "and an half of chocolate, and five pounds of Muscovado su- "gar; each subaltern, four quarts of rum, four ounces of tea, "one pound of coffee, one pound of chocolate, and four pounds "of Muscovado sugar; the surgeon, four quarts of rum, four "ounces of tea, one pound of coffee, one pound of chocolate, "and four pounds of Muscovado sugar; and the surgeon's mate, "three quarts of rum, three ounces of tea, one pound of coffee, "one pound of chocolate, and three pounds of Muscovado sugar. "That the Clothier-General of this State for the time being be "empowered to purchase such and so many of the articles afore- "said as may be sufficient for a two months' supply and forward "them to camp with all convenient dispatch, to the care and "custody of the Paymaster to the Delaware Regiment for the "time being, to be by him delivered out to the respective officers

"of the said regiment by such proportions and in such times as "in the foregoing resolution is directed.

"That the President be empowered and directed to draw his "order on the State Treasurer forthwith to pay into the hands "of the said Clothier-General the sum of one thousand pounds, "to enable him to make purchase of the articles aforesaid.

"That the President be also empowered and directed to draw "his order, from time to time thereafter, on the State Treasurer, "to pay to the said Clothier-General such sum of money as the "President shall judge necessary and sufficient for purchasing a "quarterly supply of the articles allowed to the officers of the "regiment as aforesaid, so as the same do not exceed the sum "of one thousand and four hundred pounds in each quarter, the "said Clothier-General returning from time to time to the Presi- "dent a particular account of the expenditure of the preceding "monies paid into his hands.

"That the said Clothier-General obtain from the Paymaster "his quarterly account of deliveries, attested by the command- "ing officer of the regiment, and that the said Clothier-General "account with the General Assembly, or a committee thereof, "for the expenditure of all monies so as aforesaid paid into his "hands once in every six months at the least.

"That the Clothier-General give bond to the State Treasurer, "in the name of the Delaware State, with one or more good and "sufficient sureties, in the sum of five thousand pounds, lawful "money, conditioned for the faithful performance of the duties "hereinbefore required of him.

"That in consideration of the services rendered by the officers "of the said regiment, and to encourage the continuance thereof, "the half-pay of each officer of the said regiment, who by a "certain resolution of Congress shall be entitled to half-pay for "the term of seven years, to commence at the end of the present "war, be continued by this State from and after the expiration of "the said seven years for and during the life of every such officer.

"That every officer of the said regiment who shall be entitled "to the continuance of the half-pay, agreeable to the last reso- "lution, shall be subject to be called into actual service at such "times as the Legislature, or, in their recess, the Executive

"power of the State, shall deem necessary; and upon the neg-"lect or refusal of any officer, he having no reasonable excuse, "to be judged of by the General Assembly, the half-pay afore-"said of every such officer shall be discontinued from the time "of such neglect or refusal.

"That the widow of every officer of the said regiment who "hath died in the service aforesaid since the commencement of "the present war, or may die during the continuance thereof, "shall be entitled to and receive, during her widowhood, a "moiety of the pay which such officer was entitled to while in "the service.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The several beforementioned bills, respectively signed by the Speaker of the House of Assembly, were read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the same bills, was read, concurred in, and signed by the Speaker.

On motion, by order,

The bill for the speedy recovery of public debts, being engrossed, was read and compared, and ordered to be signed by the Speaker; which was accordingly done.

Ordered, That Mr. Bassett deliver to the House of Assembly the last mentioned bill, with its amendments, in order to be compared and signed by the Speaker of that House, and inform them that Council have acceded to their proposed amendments to the same bill, and have accordingly engrossed it, with the resolution of the Council for affixing the Great Seal to the same; and also that he return to the House of Assembly the several foregoing bills, respectively signed by the Speaker of the Council, with their several amendments, and the resolution of the House of Assembly for affixing the Great Seal to the said bills; the reso-

lution of that House for the appointment of a committee to settle the State Treasurer's accounts, and the resolutions for the encouragement of the officers of the Delaware Regiment, respectively concurred in by the Council.

Mr. Bassett, being returned, reported the delivery and return of the foregoing papers according to order.

Adjourned till to-morrow morning, 10 o'clock.

SUNDAY, A. M., June 6th, 1779.

The Council met. Present all the members.

On motion, by order,

The bill for raising an additional sum of four hundred and ninety-five thousand dollars for the present year, by a general tax, was read a second time.

The same was read a third time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly for their concurrence, by Mr. Baning.

Mr. Baning, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Adjourned till to-morrow morning, eight o'clock.

MONDAY, June 7th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Mr. —, a member of Assembly, was admitted and delivered to the Chair the bill for raising an additional sum of four hundred and ninety-five thousand dollars for the present year, by a general tax (with its amendments), signed by the Speaker of the House of Assembly, and a resolution of that House for affixing the Great Seal thereto.

On motion, by order,

The foregoing bill was read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal of this State to the foregoing bill was read and concurred in.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing bill and resolution, respectively signed by the Speaker of the Council.

Mr. Conwell reported the return of the above papers according to order.

On motion,

Resolved, That all monies in the hands of the Commissioners for Forfeited Estates within this State be forthwith paid into the State Treasury, together with their accounts.

Then the Council took into consideration the accounts of their expenses brought in for the service of the State at their present meeting and the traveling charges of their members, and the following accounts were allowed, viz:

To William Conwell, Esq., for his traveling expenses to and from Dover, as per account, No. 1, . . .	£	12	0 0
To John Clowes, Esq., for ditto, No. 2, ...		18	0 0
To Peter Hyatt, Esq., for ditto, No. 3, ...		6	2 6
To Samuel Patterson, Esq., for ditto, No. 4, ...		6	0 0
To George Read, Esq., for ditto, No. 5, ...		6	0 0
	£	48	2 6
To Jonathan McNatt, for attending the General Assembly's horses, 149 days @ 7*s.* 6*d.*, &c., No. 6,		87	7 6
To Benjamin Vining, for his services as Clerk of the Council, No. 7, ...		16	2 6
To Thomas North, barber's bill, No. 8, ...		5	10 0
To French Battell, for the expenses of the Council at his house, No. 9, ...		540	19 8
	£	698	2 2
Servants, ...		6	0 0
	£	704	2 2

Ordered, That the Speaker draw an order on the Trustee of the Loan Office for the County of Kent for the sum of eighty-seven pounds seven shillings and six pence, in favor of Jonathan McNatt; and also that he draw an order on the State Treasurer for the remaining sum of six hundred and sixteen pounds fourteen shillings and eight pence in favor of French McNatt.*

Whereupon the said orders were immediately drawn and signed by the Speaker.

Then the Council adjourned until the thirtieth day of September next.†

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* Evidently an error in the manuscript, as appears by the preceding allowance.

† There is no record of the assembling of the Council on the day to which they stood adjourned.

MINUTES OF COUNCIL.

OCTOBER, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Wednesday, the twentieth day of October, in the year of our Lord one thousand seven hundred and seventy-nine, a quorum of the members to form an House not attending, the Council adjourned from day to day until Friday, the 22d day of this instant.

FRIDAY, P. M., October 22d, 1779.

The following members attended in the Council, viz :

For New Castle County—Samuel Patterson.

For Kent County—John Baning, Richard Bassett.

For Sussex County—John Clowes, William Conwell.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Councillor to fill the seat of George Read, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that Richard Cantwell, Esq., was elected a member of the Council for the County of New Castle, in the room of the said George Read, on the first day of October, instant.

Mr. Cantwell appeared in the Council.

The return of the Sheriff and Inspectors for the County of

Kent of the election of a Councillor being laid on the table, it appears that Thomas Collins, Esq., whose seat became vacant on the first day of October last by rotation, was reëlected a member of the Council for the County of Kent, on the first day of this instant, October.

Mr. Collins appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor being laid on the table, it appears that William Polk, Esq., whose seat became vacant on the first day of October last by rotation, was reëlected a member of the Council for the County of Sussex, on the first day of this instant, October.

Mr. Polk appeared in the Council.

The Council then proceeded to the choice of a Speaker, and John Clowes, Esq., was elected.

The Speaker being seated in the Chair, Mr. Benjamin Vining was appointed Clerk of the Council, and Benjamin Crooks appointed Doorkeeper and Sergeant-at-Arms.

Messrs. Cantwell, Collins and Polk, three members chosen at the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took their seats in the Council. [*See note on page 10.*]

Benjamin Vining appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [*See note on page 11.*]

On motion,

Ordered, That Messrs. Collins and Patterson be a committee to wait on his Excellency, the President, and inform him that the Council, having now met, desire to know whether his Excellency has any business to lay before them.

The committee, being returned, reported that they had waited on his Excellency, the President, with the above message, according to order, and that he was pleased, in answer, to say, that

all the business which he had to lay before the General Assembly was communicated, by his Secretary, to the House of Assembly, to be handed by them to the Council.

Adjourned till to-morrow morning, 9 o'clock.

SATURDAY, October 23d, 1779.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee for Public Accounts, which, by order, was read the first time.

By special order the same was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., October 22d, 1779.

"On motion,

"*Resolved*, That Messrs. Latimer, Lockwood, and Young be "a Committee for Public Accounts, on the part of this House, "for the ensuing year, and that Mr. Peery wait on the Council, "with a copy of this resolution, and propose to them the ap- "pointment of a committee of their body to join with the com- "mittee of this House in the business referred to them, if they "think proper.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence *Cl'k of Assembly.*"

And thereupon

Resolved, That Messrs. Baning and Polk be appointed a committee, on the part of the Council, to join with the committee of the House of Assembly for the purpose above mentioned.

Ordered, That Mr. Patterson return to the House of Assembly the above resolution, with the concurrence and appointment of the Council thereto.

Mr. Patterson, being returned, reported that he had returned the same, according to order, to the House of Assembly.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair "A bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same."

On motion, by order, the said bill was read the first time.

By special order the same was read the second time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence, by Mr. Patterson.

Mr. Patterson, being returned, reported the return of the above papers according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., October 25th, 1779.

The Council met. Present the same members as on Saturday, except Mr. Bassett.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a remonstrance from divers inhabitants of the County of Kent, complaining of malpractices at the last general election in that county, accompanied with a proposal from the House of Assembly that the Council would appoint a committee of their body to join, with a committee of the House of Assembly, in an inquiry into the facts alleged in the said remonstrance.

On motion, by order, the said remonstrance and proposal were severally read the first and second time, and thereupon

Resolved, That Messrs. Polk and Cantwell be a committee, on the part of the Council, to join with the committee of the House of Assembly in the inquiry aforesaid.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing remonstrance, and inform them that the Council have acceded to their proposal of a joint committee to inquire into the facts alleged in the said remonstrance, and have appointed, on their part, Messrs. Polk and Cantwell to join the committee of the House of Assembly for the purpose aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Some of the members attending on the committee, the Council adjourned till to-morrow morning at 10 o'clock

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TUESDAY, A. M., October 26th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Hyatt.

Mr. Conwell now reported the delivery of the paper committed to him, according to the order of yesterday.

Mr. William Clark, a member of the House of Assembly, was admitted and delivered to the Chair a paper recommending Stephen McWilliam for one of the vacant ensigncies in the Delaware Regiment, accompanied with a recommendatory letter from Maj. Joseph Vaughan, of the same regiment, to the Assembly of the Delaware State, in favor of the said Stephen McWilliam; and the following verbal message from the House of Assembly to the Council, viz:

"*Gentlemen:*

"The House of Assembly propose to your honorable House "that both Houses meet in the Council Chamber at three o'clock "in the afternoon, to put in nomination persons to be balloted "for to supply the place of second Justice of the Court of Com- "mon Pleas and Orphans' Court for the County of Kent, now "vacant, and also to supply one of the vacant ensigncies in the "Delaware Regiment. Dover, Oct. 26, 1779."

On motion, by order,

The foregoing papers were read, and the following answer from the Council to the above verbal message of the House of Assembly was drawn up at the table, and agreed to be sent to the House of Assembly, viz:

Gentlemen:

The Council have received your verbal message, proposing a meeting of the two Houses, in the Council Chamber, at three o'clock this afternoon, to put in nomination persons to be balloted for to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and also to supply one of the vacant ensigncies in the Delaware Regiment, and are very willing to meet the honorable House of Assembly for the above purpose at the time and place proposed.

Ordered, That Mr. Conwell deliver the same to the House of Assembly, and return the papers recommending Stephen McWilliam for one of the vacant ensigncies in the Delaware Regiment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell reported the delivery of the foregoing papers committed to him according to order.

The House of Assembly then met the Council in the Council Chamber, agreeable to appointment, to put in nomination persons to be balloted for to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and to fill one of the vacant ensigncies in the Delaware Regiment.

On motion,

Resolved, That Messrs. Patterson, Ridgely, and West be a committee to wait on his Excellency, the President, and inform him that the General Assembly have now met in the Council Chamber to put in nomination persons to be balloted for to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and request his attendance, if he chooses to be present at such nomination.

The committee, being returned, report that they had waited at his Excellency's house and were informed that he was absent, and therefore could not deliver the message they had in charge.

The General Assembly then proceeded to the nomination of persons to be balloted for to supply the vacancies aforesaid, and the names of the persons being taken down for the consideration of the members, it was resolved that the General Assembly now separate, and meet in the Council Chamber, at ten o'clock tomorrow morning, to ballot for the person aforesaid out of the persons now put in nomination. Then the two Houses separated.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, signed by the Speaker of the House of Assembly, together with the original bill and its amendments.

On motion, by order, the said bill was read, compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., October 27th, 1779.

The Council met. Present the same members as on yesterday.

Ordered, That the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, be returned by Mr. Polk to the House of Assembly, signed by the Speaker of the Council.

Mr. Polk reported the return of the above bill according to order.

The House of Assembly now met the Council in the Council Chamber, agreeable to the order of yesterday, for the purpose of balloting for persons to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and to fill one of the vacant ensigncies in the Delaware Regiment.

The General Assembly then proceeded to ballot for a person to fill the latter vacancy, and upon examining the ballots it appeared that Stephen McWilliam was declared duly elected one of the ensigns in the Delaware Regiment.

On motion,

Ordered by both Houses, That Messrs. Patterson, Vandyke, and Peery be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly have met, in the Council Chamber, to elect a person to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and request his attendance at such election, if he thinks proper.

The committee, being returned, reported that they had waited on his Excellency and delivered the message committed to them, agreeable to order, and that he was pleased, in answer, to say that he would immediately attend the General Assembly.

The President attended, and proceeded with the General Assembly to ballot for a person to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and upon examining the ballots it appeared that Richard Lockwood, Esquire, was declared to be duly elected.

On motion,

Resolved, That the General Assembly now separate.

Then the President and the House of Assembly withdrew, and the Council adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, with a resolution of the House of Assembly for affixing the Great Seal of the State to the said bill.

The same member also delivered to the Chair a message from the President, inclosing an act of Congress recommending Thursday, the ninth day of December next, to be observed as a day of public Thanksgiving, with a resolution of the House of Assembly founded on the said act of Congress.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., October 28th, 1779.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, was read, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., October 27th, 1779.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following law, to wit: 'An "act empowering the General Assembly of this State to adjourn "to, and sit at, any town or place within the same.'

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The President's message, and the act of Congress therein referred to, were severally read, and the said message is as follows, to wit :

"*Gentlemen of the General Assembly :*

"I have just received, by express, an act of Congress, dated "the 20th instant, recommending to the several States that "Thursday, the ninth day of December next, be appointed a "day of public Thanksgiving, which act I have ordered the "Secretary to lay before your Honors.

"Dover, October 27, 1779. CÆSAR RODNEY."

On motion, by order,

The resolution of the House of Assembly, founded on the fore-

going act of Congress, was read and concurred in, and is in these words, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., October 27, 1779.

"The House resumed the consideration of the act of Con-"gress recommending Thursday, the ninth day of December "next, to be observed as a day of public Thanksgiving; and "thereupon

"*Resolved*, That Thursday, the ninth day of December next, "be and is hereby appointed to be observed throughout this "State as a day of public and solemn Thanksgiving to Almighty "God for His mercies, and of prayer for the continuance of His "favour and protection to these United States, and for the other "purposes in the said act recommended; and that his Excel-"lency, the President of this State, be requested, by his procla-"mation, to publish the same accordingly throughout the same, "on or before the twentieth day of November next.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Conwell return to the House of Assembly the foregoing bill empowering the General Assembly to adjourn to, and sit at, any town or place within the State, with the resolution for affixing the Great Seal thereto, respectively signed by the Speaker of the Council, and also the President's message, the act of Congress therein referred to, and the resolution of the House of Assembly founded thereon, concurred in by the Council.

Mr. Conwell reported the delivery of the above papers according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the remonstrance complaining of malpractices at the last general election for Kent County, together with the lists of persons who voted at the said election, &c.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair the papers recommending Stephen McWilliam for one of the ensigncies in the Delaware Regiment, together with an order from the House of Assembly for making out and delivering a copy of the appointment of the said Stephen McWilliam to the President, to be by him transmitted to the Board of War, in order that a commission may issue to the said Stephen McWilliam.

On motion, by order, the above mentioned order of the House of Assembly was read the first time.

By special order the same was read the second time, and some amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the above papers accompanying the said order, to the House of Assembly, by Mr. Cantwell.

The committee of the Council appointed to join with a committee of the House of Assembly in making an inquiry into the facts alleged in a remonstrance, addressed to the House of Assembly, complaining of undue practices at the last general election in Kent County, now delivered their report at the table, which, by order, was read.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a petition from divers inhabitants of the County of New Castle, praying that measures may be taken to prevent engrossing and forestalling, and for an amendment to the Militia law.

The Council took into consideration the report of their joint

committee respecting the making an inquiry into the facts alleged in a remonstrance, addressed to the House of Assembly, complaining of undue practices at the last general election in Kent County, and thereupon the same was rejected; and

Resolved, That the Council, for the dispatch of public business, had hastily concurred in the proposal of the House of Assembly in appointing a committee, to join with a committee of their honorable House on the subject matter of the said remonstrance, addressed to the House of Assembly, without having given that attention to the direction of the said remonstrance that might have been wished.

Resolved also, That a message be drawn up at the table and sent to the House of Assembly, signifying the impropriety of the Council having taken up the said business.

Which was done accordingly; and the same, being read and agreed to, is as follows, to wit:

Gentlemen:

The Council, for the dispatch of business and in compliance with your request, did, on the twenty-fifth inst., appoint Messrs. Polk and Cantwell a committee, to join with a committee of your honorable House in an inquiry into the facts alleged in the remonstrance (directed particularly to your honorable House) complaining of undue practices at the last general election in Kent County. The Council, by the fifth section of the Constitution, are judges of the qualification and election of their own members, but not of the members of the House of Assembly; and as the remonstrants address themselves particularly to your honorable House, the Council cannot think themselves bound thereby to scrutinize the election of their members.

Signed by order of Council.

Dover, October 28, 1779. JOHN CLOWES, *Speaker.*

On motion of Mr. Polk, for the yeas and nays on the question whether the above message should be approved of by the Council or not, they are as follows, viz:

For the yeas—Mr. Collins, Mr. Patterson, Mr. Cantwell, Mr. Hyatt, Mr. Baning.

For the nays—Mr. Polk, Mr. Conwell.

Carried in the affirmative ; and thereupon

Ordered, That the said message be transcribed and sent, together with the said remonstrance and papers relative thereto, to the House of Assembly, by Mr. Patterson.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The petition against forestalling and engrossing, &c., was read the first time.

Adjourned till to-morrow morning at 9 o'clock.

FRIDAY, A. M., October 29th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Cantwell now reported the delivery of the papers committed to him, according to the order of yesterday.

On motion, by order,

The petition against engrossing and forestalling, &c., was read the second time and postponed for further consideration.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bassett appeared in the Council.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the order for transmitting a copy of the appointment of Stephen McWilliam to fill one of the vacant ensigncies

in the Delaware Regiment to the Board of War, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly, which was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"FRIDAY, P. M., October 29, 1779.

"*Ordered*, That a copy of the appointment of Stephen McWilliam to fill one of the vacant ensigncies in the Delaware Regiment be made out and delivered to the President, and that his Excellency be requested to transmit the same to the Board of War, in order that a commission may issue to the said Stephen McWilliam, to bear date the twenty-seventh day of this instant."

Ordered, That the same, with its amendments, be returned to the House of Assembly, with the concurrence of Council thereto, by Mr. Cantwell.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., October 30th, 1779.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and presented to the Chair an answer from the House of Assembly to the message of the Council of the 28th instant.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of the expenses of the General Assembly, and also a resolution of that House respecting the adjournment of the General Assembly to the Town of Wilmington.

On motion, by order, the answer from the House of Assembly to the Council's message of the 28th inst. was read the first time.

On motion, by order,

The resolution for the payment of the expenses of the General Assembly was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, October 30, 1779.

"WHEREAS the act of the General Assembly of this State, "passed at Dover the twenty-sixth day of June, one thousand "seven hundred and seventy-eight, making provision for defraying "the reasonable expenses incurred by the General Assembly "of this State, and also the Clerk of each House thereof, during "the sessions of the same, and in coming thereto and going therefrom, is now expired; and whereas the present increased prices "of the necessaries of life will render the payment of the expenses incurred by the General Assembly at their present sessions "very burthensome to the members thereof, if they are left to "defray the same out of their private fortunes, and also be highly "unreasonable, unjust, and contrary to the equitable opinion of "the good people of this State; therefore

"*Resolved*, That the Speakers of the Council and House of "Assembly of this State respectively be and they are hereby "empowered to draw their respective orders on the Trustees of "the Loan Offices of this State, or the State Treasurer, for the "expenses incurred by each House at the present sessions, and "the same shall be allowed on settlement of said Trustees' or "Treasurer's accounts in the General Assembly, or their committee for that purpose to be appointed.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution of the House of Assembly for the adjournment of the General Assembly to the Town of Wilmington was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., October 30, 1779.

"On motion,

"*Resolved*, That the General Assembly of this State will meet "at the Town of Wilmington, in New Castle County, on the day "to which the present sessions may be adjourned, and there sit "to transact the public business.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion of Mr. Bassett, for the yeas and nays on the question for now concurring in the above resolution, they are as follows, viz :

For the affirmative—Mr. Patterson, Mr. Cantwell, Mr. Conwell, Mr. Hyatt.

For the negative—Mr. Bassett, Mr. Collins.

Carried in the affirmative.

On motion for Mr. Bassett for leave of absence, the same was granted to him.

On motion, by order, the answer from the House of Assembly to the Council's message of the 28th instant was read the second time, and is as follows, viz :

"*Gentlemen :*

"That part of your message of the 28th instant, setting forth "that your House, for the dispatch of business and in compliance "with the request of the House of Assembly, did, on the 25th "instant, appoint Messrs. Polk and Cantwell a committee to join, "with a committee of this House, in an inquiry into the facts al-

"leged in the remonstrance complaining of undue practices at "the last general election in Kent County, by not stating all the "steps taken by the two Houses previous to the appointment of "your members as above mentioned, impliedly, at least, reflects "some degree of censure on this House, for it must be under- "stood from your said message that the remonstrance you men- "tion to be directed particularly to the House of Assembly was "not delivered to your honorable House with the proposal (not "request, as you are pleased to term it), but some time after the "appointment aforesaid had taken place, the contrary of which "you well know to be the fact. Your acquaintance with the "title or address, as well as the contents of said remonstrance, "might have furnished your House, in the first instance, with "the reasons you appear at last to act upon.

"In answer to the other part of your message this House will "only add, that they do not presume to dispute your power or "right, under the section of the Constitution pointed out in your "message, to judge of the qualification and election of your own "members, and to determine what obligations you are under to "scrutinize the election of such members; but we would suppose "that every report to a House of Representatives ought to be "considered and determined on, yet you certainly must deter- "mine how binding that obligation is on your body.

"Signed by order of the House of Assembly.

"SIMON KOLLOCK, *Speaker.*

"Dover, October 30, 1779."

And thereupon the following verbal message from the Council to the House of Assembly was sent to the House of Assembly, viz:

Gentlemen:

The Council are well disposed to give all the dispatch to the public business in their power, and are sorry they find themselves constrained, from the message just now received, to say, that it is their duty in future to be more particular with respect to the transacting business proposed by your House. The Council do not conceive they have time presently to give your strange message of this afternoon an answer, but flatter themselves they shall

do it hereafter in a manner satisfactory not only to themselves but to their constituents.

Ordered, That the said message and the two last preceding resolutions be delivered to the House of Assembly, by Mr. Cantwell, with the concurrence of the Council to the said resolutions respectively.

Mr. Cantwell reported the delivery thereof according to order.

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly empowering the Speakers of the two Houses to draw their order on the State Treasurer in favor of George Craghead, Esquire, for two thousand dollars; and also the resolutions of that House for continuing the embargo.

On motion, by order, the foregoing resolution empowering the Speakers of the two Houses to draw their order on the State Treasurer in favor of George Craghead, Esquire, &c., was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, October 30, 1779.

"On motion,

"*Resolved*, That the Speakers of the Council and House of "Assembly be and they are hereby empowered to draw their "order on the State Treasurer in favor of George Craghead, "Esquire, Clothier-General of this State, for two thousand dol- "lars, for which the said George Craghead is to be accountable "to the General Assembly.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions of the House of Assembly for continuing the embargo, &c., were read the first time.

By special order, the same were read the second time, concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY, October 30, 1779.

"WHEREAS an embargo, prohibiting the exportation of wheat, "rye, flour, Indian corn, bread, beef, bacon, live stock, or any "other provisions, hath been laid and continued from time to "time within this State ; and whereas Congress have requested "that the same may be still further continued ; therefore

"*Resolved*, That his Excellency, the President, be requested "to issue his proclamation continuing the same until the first day "of December next, strictly prohibiting the carrying out of this "State live stock or pork, except for the use of the American "army.

"*Resolved also*, That the President be authorized and empow- "ered to grant such permission to persons living within this State "to export so much grain or flour, in bottoms belonging to the "inhabitants of the same, as to him may seem expedient, pro- "vided satisfactory security be given to him that the vessels so "permitted to load and carry away as aforesaid do return and "sell the cargoes by them imported to retailers and consumers "within this State.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Conwell return the two last resolutions, with the concurrence of the Council thereto respectively, to the House of Assembly.

Mr. Conwell, being returned, reported the delivery thereof according to order.

Then the following accounts, brought in for the expenses of the Council and their Clerk during their present sessions, were allowed, viz :

To Samuel Patterson, Esq., as per account, No. 1, .	£	15	0 0
To Richard Cantwell, Esq., " " No. 2, .		8	0 0
To William Conwell, Esq., " " No. 3, .		13	10 0
Carried over, ...	£	36	10 0

Brought over, ...	£	36	10 0
To William Polk, Esq., as per account, No. 4, . .		8	5 0
To John Clowes, Esq., " " No. 5, . .		12	0 0
To Peter Hyatt, Esq., " " No. 6, . .		10	10 0
To Benjamin Vining, as Clerk of the Council, No. 7,		82	10 0
To Thomas North, as per account, No. 8, ...		15	15 0
To French Battell, " " No. 9, ...		1317	8 0
	£	1482	18 0

Ordered, That the Speaker draw an order on the State Treasurer, for the said sum of £1482 : 18 : 0, in favor of French Battell.

Whereupon the said order was immediately drawn and signed by the Speaker.

Then the Council adjourned until Monday, the 29th day of November next, at the Town of Wilmington.

MINUTES OF COUNCIL.

DECEMBER, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, NOV.—DEC., 1779.

WILMINGTON, MONDAY, November 29, 1779.

At a meeting of the Council at the Town of Wilmington, in New Castle County, on Monday, the 29th day of November, in the year of our Lord one thousand seven hundred and seventy-nine, by adjournment, a sufficient number of the members to form a House not attending, the Council adjourned from day to day until Saturday, the fourth day of December, 1779.

SATURDAY, A. M., December 4th, 1779.

The Council met. Present the following members, viz:

For New Castle County—Samuel Patterson, Peter Hyatt, Richard Cantwell.

For Kent County—Richard Bassett, John Baning.

For Sussex County—The Honorable John Clowes, William Conwell.

The Council now took into consideration the answer from the House of Assembly, of the 30th of October, to a message from

the Council of the 28th of the same month, and a message, in answer thereto was drawn up at the table, and, by order, read. Deferred for further consideration.

Adjourned till Monday morning, 10 o'clock.

MONDAY, December 6th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Ordered, That the minutes of this meeting be read.

Which was accordingly done ; and thereupon

Resolved, That this Council will meet punctually at ten o'clock in the morning and sit till one o'clock ; that they will meet again at three o'clock in the afternoon and sit not longer than six o'clock in the evening.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 7th, 1779.

The Council met. Present the same members as on yesterday, and also Messrs. Polk and Collins.

Messrs. Polk and Collins, in their respective places, made their excuses for their non-attendance at an earlier date in the sessions; which were admitted.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Stidham, a member of Assembly, was admitted and presented to the Chair a message from the President to the General Assembly, inclosing sundry acts of Congress, therein referred to, and the report of the committee of the House of Assembly to whom the said message and papers were referred.

On motion, by order,

The President's message, and its inclosures, were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"Since the last sitting of the Legislature I have received the "following acts of Congress, which merit your attention, to wit: "Two of the fourteenth of June last, one recommending to the "State to exempt drivers of waggons from Militia duties while "in service, the other for ascertaining their wages; two of the "twenty-third of July, one for regulating the Hide Department, "the other for the better preservation of buildings and other "property belonging to the United States; one of the seven- "teenth of August, on the subject of further provisions for the "army; one of the twenty-first of the same month, on the sub- "ject of an embargo; one of the twenty-fifth of the same month, "against restrictions on the inland trade between the States; and "another of the tenth of September, for providing clothing for "the troops; and likewise, a circular letter from the President "of Congress, dated the ninth instant, inclosing divers acts of "Congress of the sixth and seventh, for supplying the Continen- "tal Treasury. All of which I have directed the Secretary to "lay before your Honors, for your perusal and consideration.

"I beg leave to inform the General Assembly that since the "expiration of the law for laying an embargo, I have, with the "advice of the Privy Council and at the request of Congress, "continued, from time to time, the prohibition contained in the "said act, until such order therein may be taken by the Legisla- "ture as they may deem expedient.

"Its being acknowledged that a well-regulated Militia, composed of the substantial inhabitants, is the best security of a free State, and the inattention to the discharge of Militia duty by great numbers of the subjects of this State, induces me to recommend to your Honors' consideration such amendments to the Militia law as may tend to answer the good purposes intended by the act.

"Gentlemen—The provision heretofore made for those in the exercise of civil government, from the present depreciated state of our currency, is so inadequate to the services enjoined them, that I fear, from the information given me by the Chief Justice, a general neglect of duty will take place, unless some further provision is made. I am therefore induced to recommend a matter so necessary to the safety and well-being of the State to your Honors' serious consideration.

"Dover, October 22d, 1779. CÆSAR RODNEY."

On motion, by order,

The report of the committee of the House of Assembly on the above message and its inclosures, was read the first time.

On motion, by order,

The several reports of the Joint Committee of Public Accounts, of the 29th May and 5th June, 1779, were read the second time, and divers amendments were proposed and agreed to.

Ordered, That the said reports, and the public accounts and vouchers whereon the said reports were founded, with the transcribed amendments proposed thereto by the Council, be sent, by Mr. Conwell, to the House of Assembly.

Mr. Conwell reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., December 8th, 1779.

The Council met. Present the same members as on yesterday.

On motion, by order,

The report of the committee appointed to state an account of expenditures by this State on behalf of the Continent, was read the second time, examined and agreed to.

Ordered, That the same be signed by the Speaker and sent to the House of Assembly by Mr. Baning.

Who, being returned, reported the delivery thereof.

On motion, by order,

The President's message of the 22d October last, and its inclosures, were read a second time, and the report of the committee of the House of Assembly thereon was also read a second time and agreed to.

Ordered, That Mr. Polk return the above message and its inclosures (except the act of Congress of the 19th November last respecting the regulation of prices) and the last mentioned report, to the House of Assembly, with the concurrence of the Council to the same report.

Mr. Polk, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a "Bill to prevent forestalling and engrossing, and for other purposes therein mentioned."

On motion, by order,

The bill to prevent forestalling and engrossing, &c., was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

By special order, the bill to prevent forestalling and engrossing, &c., was read the second time and referred to the Speaker and Messrs. Collins and Patterson, to report thereon.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution of that House for the appointment of a committee to settle and adjust the State Treasurer's accounts, which, by order, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., December 8, 1779.

"On motion,

"*Resolved*, That a committee of three be appointed to settle "and adjust the accounts of the State Treasurer, and make "their report forthwith. The members appointed on the part of "this House are Mr. Vandyke and Mr. Barratt.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

And thereupon the Council appoint, on their part, Mr. Polk, to join with the said committee of the House of Assembly for the above purpose.

Ordered, That Mr. Conwell return the foregoing resolution, with the concurrence and appointment of the Council thereto, to the House of Assembly.

Mr. Conwell reported the delivery thereof according to order.

On motion of Mr. Polk, for leave to bring in a bill, by way of supplement to an act entitled "An act for the more easy and speedy recovery of small debts," the same was granted; and a bill for that purpose being laid on the table, was, by order, read the first time.

Adjourned till Friday morning, 10 o'clock.

FRIDAY, A. M., December 10th, 1779.

The Council met. Present all the members, except Messrs. Baning, Bassett, and Paterson.

The committee to whom the bill to prevent forestalling and engrossing, &c., were referred, now reported sundry amendments to the same, which, by order, were read and agreed to.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly for concurrence, by Mr. Conwell.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now reported the delivery of the papers committed to him, according to order.

On motion, by order,

The bill, by way of supplement to an act entitled "An act for the more easy and speedy recovery of small debts," was read the second time and agreed to.

Ordered, That Mr. Polk wait on the House of Assembly with the said bill.

Mr. Polk reported the delivery thereof according to order.

Mr. Houston, a member of Assembly, was admitted and delivered to the Chair "A bill for the introducing economy in the purchasing supplies for the Army of the United States of America," which, by order, was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 11th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Bassett.

On motion, by order,

The bill for the introducing economy in the purchasing supplies for the army, &c., was read the second time and referred to Messrs. Bassett, Collins and Polk, to report thereon.

On motion of Mr. Hyatt, for leave of absence till Monday afternoon next, the same was granted to him.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair the bill to prevent forestalling and engrossing, &c., with the amendments proposed thereto by the Council, partially disagreed to by the House of Assembly, and an amendment proposed by that House to the same bill.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill for introducing economy in the purchasing supplies for the army, &c., was referred, now reported divers amendments to the same, which, by order, were read and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly for concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

The Council now took into consideration such of their amendments to the bill to prevent forestalling and engrossing, &c., as were disagreed to by the House of Assembly, and rescinded their first amendments, and proposed some amendments to the additional amendments proposed by the House of Assembly.

Mr. William Clark, a member of Assembly, was admitted and delivered the bill for the introducing economy in the purchasing supplies for the army, &c., with the amendments proposed thereto by the Council disagreed to in the whole by the House of Assembly.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., December 13th, 1779.

The Council met. Present all the members, except Messrs. Baning, Patterson, and Hyatt.

The Council took into consideration the amendments proposed by them to the bill for introducing economy in the purchasing supplies for the army, &c., and disagreed to by the House of Assembly, and after some time spent thereon receded from the same.

Ordered, That the foregoing bill, and the bill to prevent forestalling and engrossing, &c., with their respective amendments, be returned, by Mr. Cantwell, to the House of Assembly, with the following message from the Council to the House of Assembly, viz :

Gentlemen :

The Council conceive the bills to prevent forestalling and engrossing, and for other purposes therein mentioned, and for introducing economy in the purchasing supplies for the Army of the United States of America, to be very useful and important in their nature, and do not view the amendments proposed by them and rejected by you of such consequence as to delay the passage of them ; therefore, rather than they should be delayed,

the Council recede from their proposed amendments, but farther beg leave to observe, that with respect to their last amendment proposed to the bill for introducing economy in the purchasing supplies, &c., they are still strongly impressed with an idea of the propriety and usefulness of the said amendment; for that it appears to them that one great design of the said bill is that the officers under it should not make use of the public money for their own private emolument or advantage, and that the solemn oath of the party to that purpose they consider a stronger tie, and more likely to prevent a breach of the law in that instance than any other thing. The Council would therefore wish your honorable House would reconsider the said amendment, and, if it should appear in the same point of view to you as it does to them, make no doubt but you will readily accede to the same.

Signed by order of the Council,

JOHN CLOWES, *Speaker.*

Wilmington, December 13, 1779.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Cantwell now reported the delivery of the papers committed to him according to order.

Messrs. Patterson and Hyatt appeared in the Council.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, December 14th, 1779.

The Council met. Present all the members, except Mr. Baning.

On motion of Mr. Bassett, for leave to bring in a bill, by way of supplement to an act for making perpetual a former act entitled "An act for the amending the laws relating to testamentary affairs, and for the better settling intestates' estates, &c.," the same was granted, and a supplement for this purpose being laid on the table, was, by order, read the first time.

Mr. Bryan, a member of Assembly, was admitted and returned to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with divers amendments proposed thereto by the House of Assembly.

The same member also presented to the Chair an address from the officers of the Delaware Regiment, and two addresses from the Clothier-General, of the 11th and 14th instant, with a resolution of the House of Assembly for the payment of fifteen thousand pounds to the Clothier-General, to be by him applied in completing the clothing allowed to the officers of the Delaware Regiment.

An account of William McKennan, a lieutenant in the Delaware Regiment, was also presented to the Chair by the same member, with a resolution of the House of Assembly for the payment of sixty-two pounds eleven shillings and three pence, in discharge of his said account.

The same member also delivered to the Chair the following message from the House of Assembly, viz :

"*Gentlemen :*

"The House of Assembly have appointed Messrs. Stidham, "Cook, and Collings to view and report the situation and condi- "tion of the barracks and works at the fort on Christiana Creek, "and propose to you the appointment of a committee of your "body to join them in that business, if your honorable House "think the same necessary."

On motion, the supplementary bill to the act for the more easy and speedy recovery of small debts, and the amendments proposed thereto by the House of Assembly, were read the first time.

On motion, by order, the address of the officers of the Delaware Regiment was read.

On motion, by order,

The several addresses of the Clothier-General of this State, containing an estimate of the monies necessary to carry into execution the resolves of the General Assembly for clothing for the officers of the Delaware Regiment, and the resolution of the House of Assembly, for the payment of fifteen thousand pounds to the Clothier-General, founded thereon, were read the first time.

By special order the said resolution was read the second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"A. M., December 14th, 1779.

"*Resolved*, That an order be drawn by the Speakers of both "Houses on the State Treasurer, for the sum of fifteen thousand "pounds, in favor of George Craghead, Esq., Clothier-General "of this State, to be by him applied in completing the clothing "allowed to the officers of the Delaware Regiment, and the sur- "plus thereof, if any, in procuring the monthly supplies allowed "to the said officers, in addition to the fourteen hundred pounds "quarterly heretofore granted by the General Assembly for fur- "nishing the said supplies ; the said George Craghead to be ac- "countable for the expenditure of the said sum.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The account of William McKennan was read, considered and allowed, and the resolution of the House of Assembly for the payment of the same was also read the first time.

By special order the same was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., December 14, 1779.

"An account of William McKennan, a lieutenant in the Dela-"ware Regiment, was presented to the Chair, and, by order, "read.

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer, for the sum of sixty-two pounds eleven "shillings and three pence, in favor of Lieutenant McKennan, in "discharge of his said account.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing, account, the several before-mentioned addresses of the officers of the Delaware Regiment, and of the Clothier-General, and the resolutions founded thereon, with the concurrence of the Council thereto, be returned, by Mr. Polk, to the House of Assembly, with the following verbal message from the Council, viz:

Gentlemen:

The Council have agreed to your proposal of appointing a committee, to join your committee, to view and report the situation and condition of the barracks and works at the fort on Christiana Creek; and thereupon

Resolved, That Messrs. Peter Hyatt and William Conwell be a committee, to join your committee, for the purpose aforesaid.

Mr. Polk reported the delivery of the papers committed to him according to order.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., December 15th, 1779.

The Council met. Present the same members as on yesterday.

The Council now took into consideration the amendments proposed by the House of Assembly to the supplementary bill for the more easy and speedy recovery of small debts, and agreed thereto.

Ordered, That the said bill and its amendments be sent to the House of Assembly by Mr. Collins.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary bill for making perpetual a former act entitled "An act for the amending the laws relating to testamentary affairs, &c.," was read the second time.

By special order the same was read a third time by paragraphs, debated, and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Bassett.

The supplementary bill for the more easy and speedy recovery of small debts was returned by the Clerk of the House of Assembly. *Ordered* to be engrossed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning appeared in the Council and took his seat.

Mr. Bassett now reported the delivery of the papers committed to him, according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., December 16, 1779.

The Council met. Present all the members.

On motion, by order,

The supplement to an act entitled "An act for the more easy and speedy recovery of small debts," being engrossed, was read and compared.

On motion of Mr. Bassett for leave of absence until Monday next, the same was granted to him.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the report of the joint committee of June 5th, 1779, with the amendments proposed thereto by the Council, disagreed to in the whole by the House of Assembly.

The same member also delivered the report of the joint committee of the 29th May, 1779, with the amendments proposed by the Council, acceded to in the whole by the House of Assembly.

The same member also delivered a petition from Geo. Adams, setting forth that he is an inhabitant of that part of Sussex County which formerly belonged to Maryland, and praying leave to bring in a bill for his relief in extending to his particular case an act of Assembly of the Delaware State authorizing the removal of all proceedings out of the courts of law in Maryland into the courts of law in this State, &c., with a bill for amending an act entitled "A supplementary act to the act entitled 'An act for the more

effectual ascertaining and fixing the limits of the several Counties within this Government, &c.,'" and the following message, viz:

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"The House of Assembly have taken into consideration "your amendments proposed to the report of the Joint Committee of Accounts of the fifth day of June, 1779, and are unable "to discover the reasons which induced your honorable House "to propose the first, unless the difference between the charge "therein and the sum in the voucher, being six pounds seventeen shillings and five pence, should have caused such amendment; if so, it is equal to that difference. But this House is "informed by their committee that the committee received satisfaction thereon from Mr. Carty, who attended them at the time "of examination.

"As to the second amendment—this House are persuaded it "was the intention of the Assembly, at the time of passing said "account, to allow Mr. Watson equal for his service to the allowance made in like cases to the Sheriffs of Kent and New "Castle Counties, and also are of opinion that that has, in that "instance, been done.

"No answer is necessary to your third amendment, more than "to observe that it is consequent on the other two.

"Signed by order of the House of Assembly.

"SIMON KOLLOCK, *Speaker.*

"Wilmington, December 15, 1779."

The Council now reconsidered the amendments proposed by them to the report of the Joint Committee of Accounts of the 5th of June, 1779, and disagreed to by the House of Assembly, and after some time spent thereon receded from their said amendments.

Ordered, That the said report and amendments be returned to the House of Assembly by Mr. Cantwell.

Who reported the delivery thereof according to order.

On motion, by order,

The petition of George Adams, and the bill for amending an act entitled "A supplementary act to the act entitled 'An act for the more effectual ascertaining and fixing the limits of the several Counties within this Government, &c.,' " were severally read the first time.

By special order the same were read the second time and referred to Messrs. Collins and Polk, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., December 17th, 1779.

The Council met. Present all the members, except Mr. Bassett.

Mr. Bryan, a member of Assembly, was admitted and laid before this House the sum of £134 : 1 : 4, being the two-thirds part of a debt due to Joseph Gregg by Daniel Cloud, which, by the tender of the same by the said debtor to the administratrix of the said Joseph Gregg and her refusal thereof, became forfeited to the State, agreeable to an act of General Assembly, passed the 22d of February, 1777, for establishing the Bills of Credit issued by Congress, &c., with a certificate of the commission of administration to the said administratrix, the deposition of two witnesses, proving the tender and refusal aforesaid, and a resolution of the House of Assembly for the payment of the said sum into the State Treasury by the County Treasurer.

On motion, by order, the above papers were read the first time.

By special order the same were read the second time and referred to Messrs. Collins and Patterson, to report thereon.

The committee to whom the petition of George Adams and the bill for amending an act entitled "A supplementary act to the act entitled 'An act for the more effectual ascertaining and fixing the limits of the several Counties within this Government, &c.,' " were referred, now reported that they had examined and con-

sidered the said petition and bill, and had agreed to the said bill; which said report was approved of, and the bill passed the Council.

Ordered, That Mr. Polk return the said petition and bill to the House of Assembly.

Mr. Polk reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion of Mr. Polk, for leave to bring in a "Bill more effectually to prevent non-jurors and other disqualified persons from voting at any election within this State, and for other purposes therein mentioned," the same was granted, and a bill for this purpose being laid on the table, was, by order, read the first time.

By special order, the same was read the second time and referred to Messrs. Hyatt, Collins and Patterson, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 18th, 1779.

The Council met. Present the same members as on yesterday.

The committee to whom the resolution of the House of Assembly for the payment of one hundred and thirty-four pounds one shilling and four pence (and the papers attending the same) into the State Treasury, was referred, now reported that they had examined and considered the above mentioned papers, and were satisfied as to the legality of the tender made by the said debtor;

whereupon the said resolution was concurred in by the Council, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., December 16, 1779.

"Robert Bryan, Esq., Treasurer of New Castle County, laid "before the House one hundred and thirty-four pounds one "shilling and four pence, being the two-thirds part of a debt "due to Joseph Gregg by Daniel Cloud, and tendered by the "said debtor to the administratrix of the said Joseph Gregg, "which, upon refusal thereof, became forfeited to the State, "agreeable to an act of General Assembly, passed the 22d day "of February, 1777, for establishing the Bills of Credit issued "by Congress, &c.

"*Resolved*, That the said Treasurer be directed to pay the "aforesaid sum into the hands of the State Treasurer.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Cantwell return the foregoing resolution, concurred in by the Council, with the money and papers accompanying the same, to the House of Assembly.

Mr. Cantwell reported the delivery of the above according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., December 20th, 1779.

The Council met. Present the same members as on Saturday last.

Some of the members attending on committees, the Council adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill to prevent non-jurors and other disqualified persons from voting at an election within this State, now requested a further time to consider and report thereon, which was granted.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a bill for raising one million three hundred and sixty thousand dollars in the Delaware State, between the first day of February and the first day of October in the year one thousand seven hundred and eighty, and for other purposes therein mentioned, which, by order, was read the first time.

Mr. West, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for nominating persons to be balloted for as Delegates to the Congress, and also as Purchasers for the Army of the United States, which, by order, was read the first time.

On motion, by order,

The bill for raising one million three hundred and sixty thousand dollars, &c., was read the second time and referred to the Speaker and Messrs. Collins and Cantwell, to report thereon.

On motion, by order,

The resolution for nominating persons to be balloted for as Delegates to Congress, &c., was read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence, by Mr. Polk, together with the foregoing resolution.

Mr. Polk, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 21, 1779.

The Council met. Present the same members as on yesterday.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution for the appointment of committees for settling the accounts of the several General Loan Offices.

The same member also delivered the resolution for nominating persons to be balloted for as Delegates to the Congress, &c., with the amendment proposed thereto by the Council rejected by the House of Assembly, and an amendment proposed by that House to the said resolution.

The committee appointed on the part of the Council to view and report the situation of the barracks and works at the fort on Christiana Creek, now delivered their report at the table, which, by order, was read the first time.

The Council now took into consideration the amendment proposed by them to the resolution for nominating persons to be balloted for as Delegates to Congress, &c., and rejected by the House of Assembly, and also the amendment proposed by that House to the said resolution, and thereupon the Council receded from their own amendment, and agreed to the amendment proposed by the House of Assembly.

The President of the Council proposed to be declared in order to [illegible] was read a second time, and an amendment was agreed to.

Ordered, That the same be transmitted and sent to the House of Assembly by some proper officer, by this House, together with the [illegible] message.

Mr. Fisk, Deputy returned, reported the delivery thereof according to order.

Adjourned till tomorrow morning at 10 o'clock.

THURSDAY, A. M., December 21, 17[illegible].

The Council met. Present the same members as on yesterday.

[illegible] Committee of Assembly, was introduced and delivered to the Chair a message from the Assembly, in reference to [illegible] the passage of the several Council and Assembly [illegible]

[illegible] the Assembly, [illegible] the Council agreeing to the amendments proposed thereto by this Council, and an amendment proposed by this House to the said amendments.

The consideration of the said message was postponed by the Council to [illegible] and upon the question of [illegible] was [illegible] the Committee of Assembly, were [illegible] by the Chair, [illegible] be seated, was resolved in the affirmative.

The Council then took into consideration the amendment proposed by them to the resolution for granting [illegible] to be delivered for the Delegates to Congress [illegible] by the House of Assembly, and the amendment proposed by the House to the said amendment, and thereupon the Council receded from their own amendment and agreed to the amendment proposed by the House of Assembly

Ordered, That Mr. Hyatt return the said resolution and its amendments to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery thereof according to order.

On motion, by order,

The resolutions of the House of Assembly for the appointment of committees for settling the accounts of the several General Loan Offices were read the first time.

By special order the same were read the second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY, December 20th, 1779.

"WHEREAS the committees heretofore appointed to settle and "adjust the accounts of the General Loan Offices for the Coun- "ties of New Castle and Kent have not proceeded in that busi- "ness; therefore

"*Resolved*, That a committee of three persons in each of the "said Counties be appointed to settle and adjust the accounts "of the said offices in the Counties aforesaid respectively, who "are hereby directed to settle and adjust the said accounts from "the time of the settlement made by Messrs. McKinly, Read, "Killen, Haslet, and Robinson, a committee of Assembly for "the purpose, and make report thereof to the General Assembly "this State at their next meeting.

"AND WHEREAS the late committee appointed for the like ser- "vice in the County of Sussex have not proceeded therein,

"*Resolved*, That a committee of three be appointed to settle "and adjust the accounts of the General Loan Office for the said "County of Sussex.

"The members chosen, on the part of this House, are, for "New Castle County, John Clark and Robert Bryan, Esquires; "for Kent County, Philip Barratt and John Cook, Esquires; and "for the County of Sussex, Simon Kollock and Joseph Hall, Es- "quires.

"*Resolved*, That the committees respectively be directed to

"report the sums of money in specie and paper which are in the "said offices.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

And thereupon the Council, on their part, have nominated the following persons to join the committee of the House of Assembly, to wit: For New Castle County, John Thompson, Esq.; for Kent County, John Baning, Esq.; and for the County of Sussex, John Clowes, Esq.

JOHN CLOWES, *Speaker.*

Ordered, That Mr. Baning return the said resolution, with the concurrence and appointment of the Council thereto, to the House of Assembly.

Mr. Latimer, a member of Assembly, waited on the Council and informed them that the House of Assembly were ready to receive them and proceed to put in nomination persons to be balloted for as Delegates to Congress and Purchasers for the Army within this State, according to the order of the day.

The Council then met the House of Assembly, in the Assembly Room, and then and there put in nomination for the said offices divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion,

Resolved, That the General Assembly now separate, and meet again, in the Assembly Room, to-morrow morning at 10 o'clock, to ballot for the officers aforesaid.

Then the Council withdrew, and adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the papers committed to him, according to order.

The committee appointed to report on the bill for raising one million three hundred and sixty thousand dollars, now reported divers amendments to the said bill, which, by order, were read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson return the said bill and transcribed amendments to the House of Assembly for concurrence.

Mr. Patterson reported the delivery according to order.

The committee to whom the bill to prevent non-jurors and other disqualified persons from voting at any election within this State, was referred, having considered the same, now reported it as their opinion that the said bill should be rejected, and further prayed leave to bring in a new bill, in lieu thereof, which was granted; whereupon a bill entitled "An act for the better securing elections within this State," was laid on the table.

On motion, by order, the said bill was read the first time.

By special order, the same was read the second time and deferred for consideration.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., December 22d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Houston, a member of Assembly, was admitted and presented to the Chair an account of Charles Ridgely, Esq., of cash paid for wood and house rent for eight Continental soldiers under the command of Lieutenant Skillington, amounting to forty-five pounds; which, by order, was read and allowed.

Ordered, That Mr. Baning return the said account to the House of Assembly.

Who, upon his return, reported the delivery thereof according to order.

Mr. Latimer, a member of Assembly, waited on the Council and informed them that the House of Assembly were ready to receive the Council and proceed to the balloting for persons as Delegates to Congress and Purchasers for the Army within this State, agreeable to the order of the day.

Then the Council met the House of Assembly, in the Assembly Room, and proceeded to ballot for the officers aforesaid out of the persons before put into nomination, and upon examining the box containing the ballots it appeared that John Dickinson, Nicholas Vandyke, and George Read, Esquires, were declared duly elected Delegates from this State to the Congress of the United States for the ensuing year; and Thomas Duff, Esq., was declared duly elected Purchaser for the Army of the said United States for and in the County of New Castle; John Cook, Esq., was declared duly elected Purchaser for the said Army for and in the County of Kent; and Simon Kollock, Esq., was declared duly elected Purchaser for the said Army for and in the County of Sussex.

Then both Houses separated, and the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bassett attended, and made his excuse for his non-attendance at an earlier day, which was admitted.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair a supplementary act to the Militia act; which, by order, was read the first time.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a bill for the appointment of Trustees of the several General Loan Offices.

On motion, by order, the said bill was read the first time.

On motion, by order,

The supplementary bill to the Militia act was read a second time and referred to Messrs. Bassett, Polk and Collins, to report thereon.

On motion, by order,

The bill for the appointment of Trustees of the several General Loan Offices was read the second time and referred to Messrs. Cantwell, Patterson and Conwell, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., December 23, 1779.

The Council met. Present the same members as on yesterday.

The committee to whom the bill for the appointment of Trustees of the several General Loan Offices was referred, now reported an amendment to the same; which was read and agreed to.

Ordered, That Mr. Conwell wait on the House of Assembly with the said bill and transcribed amendments.

Who, being returned, reported the delivery thereof according to order.

The committee to whom was referred the supplementary bill to the Militia act, now reported some amendments to the same; which, by order, were read, agreed to, and ordered to be transcribed.

Ordered, That the said bill and amendments be sent for concurrence to the House of Assembly, by Mr. Baning.

Who reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Present the same members, except Mr. Bassett.

On motion, by order,

The report of the committee of Council appointed to view and report the situation of the barracks and works on Christiana Creek, in conjunction with a committee of the House of Assembly, was read a second time and adopted, and is as follows, viz:

The committee which was appointed to join the committee of the House of Assembly to view the guard house, magazine and works on Christiana Creek, near the Borough of Wilmington, now report that they had viewed the same, and are of opinion there is not any necessity for keeping them in repair; therefore recommend that, as the barracks and wood part of the magazine are useless and going to ruin, they ought to be sold for the benefit of the State.

On motion,

Resolved, That Mr. Joseph Stidham be and he is hereby empowered to make public sale of the wood part of said works, and

that he make return of his proceedings in the premises to the General Assembly at their next meeting.

Ordered, That Mr. Cantwell deliver the foregoing report and resolution to the House of Assembly for concurrence.

Mr. Cantwell reported the delivery thereof according to order.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair the bill for the appointment of Trustees of the General Loan Offices, with the amendments proposed thereto by the Council acceded to by the House of Assembly, and a proposition of that House for filling up the blanks for the Trustees' names in the said bill.

The same member also delivered a letter from the President of Congress to the President of this State, of the 22d November, inclosing an act of Congress of the 19th of the same month, recommending to the several States to enact laws for establishing a general limitation of prices throughout their respective jurisdictions; the proceedings of the convention of New Hampshire, Massachusetts Bay, &c.; and a letter from the President of the said convention to the President of this State on the same subject, with a resolution of the House of Assembly for the appointment of Commissioners to attend a convention at Philadelphia for the purposes mentioned in the said resolution of Congress.

The same member also delivered to the Chair a bill to prohibit the exportation of provisions from this State.

The same member also delivered the resolution of the House of Assembly empowering the Speakers of both Houses to draw an order for the payment of the Militia.

The same member also delivered a resolution of the House of Assembly for the payment of the monies which have arisen from the sale of forfeited estates into the State Treasury.

The same member also delivered a resolution of the House of Assembly for appointing an Auditor General of Accounts.

On motion, by order,

The foregoing letters, the act of Congress, and the proceedings of the convention of Massachusetts Bay respecting a general limitation of prices, were read.

On motion, by order,

The resolution for the appointment of Commissioners to attend a convention in Philadelphia in order to consider on the expediency of a general limitation of prices, was read the first time.

By special order, the same was read the second time and deferred for consideration until to-morrow morning.

On motion, by order,

The proposition for filling up the blanks in the bill for the appointment of Trustees of the General Loan Offices, was read the first time.

On motion, by order,

The resolution empowering the Speakers of both Houses to draw orders for the payment of the Militia, was read the first time.

By special order, the foregoing resolution was read a second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., December 23d, 1779.

"On motion,

"*Resolved*, That the Speakers of both Houses of the General "Assembly draw an order on the Trustee of the General Loan "Office for the County of Sussex, in favor of John Clowes, of the "said county, Esq., for the sum of one thousand two hundred "pounds, out of any public monies in the said office, except "principal money emitted to be let out on loan, to be applied "by the said John Clowes in discharging a balance due to the "Militia of the said County of Sussex; the said John Clowes to "be accountable for the expenditure thereof, and to render an "account of his proceedings in the premises to the General Assembly at their next meeting.

"That the Speakers of both Houses also draw an order on the "State Treasurer, for the sum of three thousand six hundred "pounds, in favor of Philip Barratt, of the County of Kent, Esq., "to be by him applied in discharging the debts heretofore agreed "by the General Assembly due to the Militia of the said County

"of Kent; the said Philip Barratt to be accountable for the ex-
"penditure thereof, and to render an account of his proceedings
"in the premises to the General Assembly at their next meeting.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for the payment of the monies arising from the sale of forfeited estates into the State Treasury, was read the first time.

By special order, the same was read a second time and deferred for consideration until to-morrow morning.

On motion, by order,

The resolution for the appointment of an Auditor General of Accounts, was read the first time.

By special order, the same was read the second time and deferred for consideration until to-morrow morning.

On motion, by order,

The bill to prohibit the exportation of provisions, was read the first time.

By special order, the same was read the second time and referred to Messrs. Collins, Polk and Patterson, to report thereon to-morrow morning.

Adjourned till to-morrow morning.

FRIDAY, A. M., December 24th, 1779.

The Council met. Present all the members.

The Council took into consideration the resolution for the payment of the monies arising from the sale of forfeited estates into the State Treasury, and an amendment was proposed and agreed to.

Ordered, That Mr. Conwell return the said resolution and amendment to the House of Assembly for concurrence, with the resolution empowering the Speakers to draw orders for the payment of the Militia concurred in by the Council.

Mr. Conwell reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House directing the Speakers of both Houses to inform the persons chosen Delegates from this State to Congress of their appointment, and request their answer as to their acceptance of the said appointment.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read a second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., December 24th, 1779.

"On motion,

"*Resolved*, That the Speakers of the Council and House of "Assembly be requested to give information to Messrs. Dickin- "son and Read of their appointment, by the General Assembly, "to represent this State as Delegates in the Congress of the "United States of America, and request their answer.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Patterson return the foregoing resolution, concurred in by the Council, to the House of Assembly.

Mr. Patterson, being returned, reported the delivery thereof according to order.

Mr. Cook, a member of Assembly, was admitted and delivered the resolution for the payment of the monies arising from the sale of forfeited estates, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly; and the said resolution, as amended, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., December 22, 1779.

"On motion,

"*Resolved*, That the Commissioners of Forfeited Estates be "directed forthwith to pay into the hands of Samuel Patterson, "Esq., the Treasurer of this State, the balance of the money "which has arisen by the sale of those estates by them made, "after deducting their commissions and the sums ordered by the "Justices of the Courts of Quarter Sessions for the maintenance "and support of the wives and children of the persons who have "forfeited the same, and the debts against said estates, if any; "and that the said commissioners be directed to attend the Gen- "eral Assembly, at their next meeting, to render an account of "their proceedings in the premises.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Baning deliver the same to the House of Assembly, with the concurrence of the Council thereto.

Mr. Baning reported the delivery thereof according to order.

The Council took into consideration the resolution respecting the appointment of an Auditor General of Accounts, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said resolution, to the House of Assembly, for concurrence, by Mr. Hyatt.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The proposition for filling up the blanks in the bill for the appointment of Trustees of the several Loan Offices was read a second time, and Mr. Bassett moved that the name of John Rodney, Esq., of the County of Sussex, should be inserted in the stead of David Hall, Esq.; and the same being seconded, the question was put and carried in the negative.

Mr. Collins then required the yeas and nays on the above question. They are as follows, viz:

For the question—Mr. Collins, Mr. Bassett, Mr. Patterson, Mr. Baning.

Against the question—Mr. Polk, Mr. Conwell, Mr. Cantwell, Mr. Hyatt.

The Council being divided, the Speaker gave the casting voice.

Ordered, That Mr. Polk return the foregoing bill and proposition, agreed to by the Council, to the House of Assembly.

Mr. Polk, being returned, reported the delivery of the foregoing papers according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill to prohibit the exportation of provisions was referred, now reported sundry amendments to the same; which, by order, were read, considered, and debated, and the same not being agreed to, the said bill was recommitted to the same committee, with the addition of Mr. Bassett.

The Council now took into consideration the resolutions of the

House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia to deliberate on the expediency of a general limitation of prices throughout the jurisdiction of the respective States, and proposed some amendments thereto; which were read, agreed to, and ordered to be transcribed.

Ordered, That the said resolutions and proposed amendments be sent for concurrence to the House of Assembly, by Mr. Collins.

Who, being returned, reported the delivery thereof according to order.

Mr. Collings, a member of Assembly, was admitted and presented to the Chair a letter addressed from George Read, Esq., declining his acceptance of his appointment as one of the Delegates from this State to Congress; and also the letter of resignation of George Craghead, Esq., of his appointment of Commissary-General of Prisoners for this State, with resolutions of the House of Assembly for nominating persons to be balloted for to supply the places of George Read, Esq., as a Delegate from this State to Congress, and of George Craghead, Esq., as Commissary-General of Prisoners for this State.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a bill for amending the laws for establishing fees.

On motion, by order, the foregoing letter from George Read, Esq., and the resignation of George Craghead, Esq., were severally read.

On motion, by order,

The resolutions for nominating persons to be balloted for as a Delegate to represent this State in Congress in the room of George Read, Esq., and a Commissary-General of Prisoners in the room of George Craghead, Esq., were read the first time.

By special order, the same were read a second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY, 24th Feb., P. M., 1779.

"On motion,

"*Resolved*, That the General Assembly meet this evening at

"seven o'clock, in the Assembly Room, for the purpose of nominating persons to be balloted for as a Delegate to represent "this State in Congress in the place of George Read, Esq., who "has declined to serve.

"On motion,

"*Resolved*, That the resignation of George Craghead, Esq., "of the appointment of Commissary-General of Prisoners for this "State, signified to the General Assembly by his letter of the "twentieth of October last, be accepted, and that proper persons "be nominated at the time aforesaid to be balloted for to supply "his place.

"Extract from the minutes. GEO. LATIMER,

"Sent for concurrence. *Cl'k pro temp.*"

Ordered, That Mr. Polk return to the House of Assembly the foregoing resolutions, concurred in by the Council, with the letters addressed from George Read and George Craghead, Esquires.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the amending the laws for establishing fees was read the first time.

Mr. Latimer, a member of Assembly, was admitted and informed the Council that the House of Assembly were ready to receive them to put in nomination persons to represent this State in Congress in the room of George Read, Esq., who hath declined to serve, and also for a Commissary-General of Prisoners in the room of George Craghead, Esq., who hath resigned his appointment.

The Council now met the House of Assembly, in the Assembly Room, to put in nomination persons for each of the said offices, when one person only for each of the said appointments was put in nomination.

On motion,

Resolved, That as but one person for each of the said appointments is put in nomination, the General Assembly proceed to ballot for the same forthwith.

The General Assembly then proceeded to ballot for the said officers, and the box containing the ballots being examined in the presence of the members, it appeared that the Honorable Thomas McKean, Esquire, was declared unanimously elected a Delegate from this State to Congress in the room of George Read, Esq., who hath declined to serve; and that Major Henry Fisher was declared unanimously elected Commissary-General of Prisoners for this State in the place of George Craghead, Esq., who hath resigned.

On motion,

Resolved, That the two Houses now separate.

Then the Council withdrew.

On motion, by order,

The bill for the amending the laws for establishing fees was read a second time and referred to the Speaker and Messrs. Bassett and Patterson, to report thereon to-morrow morning.

The Council now took into consideration their message in answer to an answer from the House of Assembly of the 30th October last to a message from the Council of the 28th of the said month, and the same was agreed to.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 25th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Clark, a member of Assembly, was admitted and delivered to the Chair the resolutions of the House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia for fixing a general limitation of prices, and the resolution for the appointment of William Killen, Esq., Auditor General of Accounts, with the amendments to the said resolutions acceded to by the House of Assembly.

On motion, by order, the foregoing resolutions were severally read, as amended, and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., December 21, 1779.

"On motion,

"*Resolved*, That Commissioners be appointed on the part of "this State, by a joint resolution of the General Assembly "thereof, to meet Commissioners from the States of New Hamp- "shire, Massachusetts Bay, Rhode Island, Connecticut, New "York, New Jersey, Pennsylvania, Maryland and Virginia, in "convention at Philadelphia on the first Wednesday of January "next, then and there to unite with them in considering the ex- "pediency of limiting the prices of merchandise, produce and "labor; and if the said convention judge such a measure neces- "sary, to proceed with them to limit the prices of the said arti- "cles in such manner as shall be best adapted to the situation "and circumstances of the several States; and that they make "report of the proceedings of the said convention to the Legis- "lature of this State at their next meeting.

"That the Delegates from this State to Congress and George "Latimer, of the County of New Castle, Esq., or any two of "them, be and are hereby appointed Commissioners on the part "of this State for the purposes aforesaid.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., December 23, 1779.

"WHEREAS the present mode of stating and settling the "accounts which arise against this State and the accounts be- "tween this State and the United States of America, is found to "be very inconvenient and expensive; therefore

"*Resolved*, That William Killen, of Kent County, Esq., be "and hereby is appointed for the purpose aforesaid, to whom all "the accounts aforesaid are hereafter to be delivered, with their "vouchers, which are to be by him properly stated and laid be- "fore the General Assembly at their next or some other subse-

"quent meeting, for their consideration and inspection; who "shall, for his trouble in doing and performing the above men- "tioned service, be allowed the sum of one thousand pounds.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

The committee to whom was referred the bill for establishing fees, now reported sundry amendments thereto; which, by order, were read the first time.

By special order, the same were read the second time, agreed to, and ordered to be transcribed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Baning return to the House of Assembly the foregoing bill for establishing fees, with the amendments proposed thereto by the Council.

Mr. Baning reported the delivery thereof according to order.

The committee to whom the bill to prohibit the exportation of provisions was referred, now made their report thereon, that the said bill should be rejected, and brought in another bill for the purpose aforesaid; which, by order, was read the first time.

By special order, the same was read the second time.

The same was read a third time by paragraphs, agreed to, and ordered to be transcribed.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill for amending the laws for establishing fees, &c., with the amendments proposed thereto by the Council disagreed to in part and in part agreed to, together with an additional paper of amendments proposed by the House of Assembly to the said bill.

Ordered, That Mr. Cantwell wait on the House of Assembly with the bill to prohibit the exportation of provisions, as rejected by the Council, and another bill proposed in lieu thereof by the Council; the resolutions of the House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia for fixing a general limitation of prices, and also the resolution for the appointment of an Auditor General, with the concurrence of the Council respectively thereto.

Mr. Cantwell, being returned, reported the delivery thereof according to order.

On motion, the Council took into consideration the amendments proposed by them to the bill for the amending the laws for establishing fees, and the additional paper of amendments proposed to the same bill by the House of Assembly, and the same being considered and debated, the Council adhered to their amendments, and agreed that a message, stating the reasons of their adherence, should be sent to the House of Assembly; whereupon the following was accordingly drawn up at the table, read, and ordered to be transcribed, viz:

Gentlemen:

The Council adhere to their amendments proposed to the bill for amending the laws for establishing fees, and of course reject your additional amendments, and are extremely sorry they find themselves constrained so to do. The reasons inducing the Council to adhere to their amendments, among many others that might be advanced, are, that they conceive, whenever it is thought necessary by the Legislature to increase officers' fees, that it ought to be general and not partial, which, they apprehend, would be the case were they to recede from their amendments proposed and give a passage to the bill. The Council are fully convinced of the necessity of such a bill, and therefore would willingly give up any matter, rather than that it should be lost, that was consistent with their idea of justice. But they humbly conceive it would argue partiality in them, at the same time they are providing for other officers of less consequence not to provide for the officers filling the several Courts of Common Pleas and Orphans' Courts in this State, when, in their opinion, those officers are as necessary, and those courts rather of more consequence than any others in the State. We could wish your

honorable House would reconsider the amendments proposed, and if the same idea should impress your minds that does theirs upon this subject, they make no doubt but you will readily accede to their amendments.

Signed by order of the Council,

JOHN CLOWES, *Speaker.*

Wilmington, December 25, 1779.

Ordered, That Mr. Collins return the foregoing bill and its amendments to the House of Assembly, with the foregoing message.

Mr. Collins, being returned, reported the delivery of the above papers according to order.

Ordered, That Mr. Polk deliver to the House of Assembly the bill for the more easy and speedy recovery of small debts.

Mr. Polk reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and returned the bill for prohibiting the exportation of provisions from this State, as proposed by the House of Assembly and rejected by the Council, with the bill offered by the Council in lieu thereof and a paper of amendments proposed by the House of Assembly to the last mentioned bill; which amendments were read and agreed to.

Ordered, That the said bills and their amendments be sent to the House of Assembly by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill to prohibit the exportation of provisions from this State, in order to be engrossed.

Ordered to be engrossed.

Ordered, That Mr. Bassett wait on the House of Assembly with the message from the Council, by way of answer to the answer of the House of Assembly of the 30th of October last.

Who, being returned, reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair, at eleven o'clock this evening, a resolution of that House noticing the Council of their intention to adjourn this evening, accompanied with the following verbal message, viz:

"*Gentlemen:*

"The House of Assembly have maturely considered your mes-
"sage respecting the amendments proposed to the bill to amend
"the laws of this State for establishing the salaries and fees of
"the civil officers, and cannot accede to the said amendments;
"but this House, convinced of the necessity of such a law, are
"willing to enact the same as it now stands, and request to know
"the opinion of your honorable House on the said bill in its pres-
"ent form.

"Wilmington, December 25, 1779."

On motion, by order, the resolution for the adjournment to Lewes-town was read the first time.

The bill to prohibit the exportation of provisions from this State, &c., being engrossed, was read and compared, and ordered to be sent, by Mr. Bassett, to the House of Assembly, in order to be signed by the Speaker thereof.

Mr. Bassett reported the delivery thereof according to order.

On motion, by order,

The resolution of the House of Assembly for the adjournment to Lewes-town was read the second time.

Ordered, That Mr. Bassett deliver to the House of Assembly the bill for amending the laws for establishing fees, and its amendments, with the following verbal message, viz:

Gentlemen:

The Council have given you their reasons for not receding from their proposed amendments to the bill for amending the laws for establishing fees, which they think are cogent; and while they continue of that opinion, you may rely they never will pass the bill on your terms.

Wilmington, December 25, 1779.

Mr. Bassett, being returned, reported the delivery of the papers committed to him according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., December 27th, 1779.

The Council met. Present all the members, except Mr. Patterson.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair the bill for introducing economy in purchasing supplies for the Army of the United States, with a paper of amendments proposed thereto.

The same member also delivered a resolution of that House for affixing the Great Seal of this State to seven laws, passed December, 1779, with the laws therein mentioned.

The Council took into consideration the act of Congress of the nineteenth of November, 1779, respecting a general limitation of prices, and thereupon came to the following resolutions founded thereon, viz:

WHEREAS by an act of Congress of the nineteenth day of November it is, among other things, declared that such States as have neglected to pass laws for the limitation of prices reducing the several matters and things therein mentioned to a sum not exceeding twenty fold of the prices current through the various seasons of the year 1774, in order that such State who may neglect or refuse should respectively be charged in the public accounts with the aggregate amount of the difference of prices paid from and after the said first day of February, 1780, in such States and those in which such laws should have been enacted; thereupon

Resolved, That the said act of Congress above mentioned is considered, by the Legislature of this State, to be an infringement on the rights and liberties of the people, and inconsistent with the freedom and independency thereof.

Resolved also, That the Delegates be instructed by the General Assembly to endeavor as soon as possible to procure a repeal of the said act of Congress, and that their instructions be as follows, to wit:

Gentlemen:

The Legislature of this State humbly conceive the act of Congress, passed the nineteenth day of November, respecting the charging any State with the aggregate amount of the difference of prices over and above twenty fold from and after the first day of February, 1780, to be an infringement on the rights of the people, and inconsistent with the freedom and independence thereof; therefore you are hereby requested to endeavor to procure a repeal of that part of the said act of Congress as soon as possible.

Ordered, That the above resolutions be transcribed and sent for concurrence to the House of Assembly, together with the above recited act of Congress of the 19th November, and the letter from the President of Congress to the President of this State, by Mr. Cantwell.

Mr. Young, a member of Assembly, was admitted and delivered a resolution of that House for the appointment of a committee of conference on the subject matter of the amendments proposed by the Council and House of Assembly to the bill for amending the laws for establishing fees; which, by order, was read, concurred in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., December 27, 1779.

"On motion,

"*Resolved*, That it be proposed to the Council to appoint a "committee of their body to confer with a committee of this "House on the subject matter of the 2d, 6th, 7th, 10th, 12th, "13th, 15th and 16th amendments, proposed by the Council to "the bill for amending the laws for establishing the salaries and "fees to the civil officers, &c., and also the subsequent paper of "amendments proposed by this House to the said bill. The "committee chosen on the part of this House are Messrs. Bryan, "Peery and Waples.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

And thereupon the Council have nominated, on their part, Messrs. Bassett, Hyatt, and Collins a committee to confer with the said committee of the House of Assembly on the subject matter of the amendments above mentioned.

Ordered, That the foregoing resolution, with the concurrence and appointment of the Council thereto, be returned to the House of Assembly by Mr. Hyatt.

Who, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the report of the committee for adjusting the State Treasurer's accounts, with the said accounts and vouchers, for concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Patterson appeared in the Council.

On motion, by order,

The resolution for affixing the Great Seal to seven laws passed this session was read the first time.

By special order, the foregoing resolution was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SUNDAY, December 26, 1779.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, to wit :

1. "An act to prevent forestalling and engrossing, and for other purposes therein mentioned ;"

2. "An act for the appointment of Trustees of the General Loan Offices in the respective Counties of this State;"

3. "A supplement to the act entitled 'An act for the establishing a Militia within this State;' "

4. "An act for raising one million three hundred and sixty thousand dollars in the Delaware State between the first day of February and the first day of October in the year one thousand seven hundred and eighty, and for other purposes therein mentioned;"

5. "An act for the amendment of an act entitled 'A supplementary act to the act entitled 'An act for the more effectual ascertaining and fixing the limits of the several Counties within this Government, and for removing some inconveniences that may arise by the late establishment of the boundaries and divisional lines between the same and Maryland;' "

6. "A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts;' "

7. "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion,

Ordered, That the foregoing resolution and the laws therein mentioned be respectively signed by the Speaker of the Council; which was accordingly done, and the same were ordered to be returned by Mr. Polk to the House of Assembly.

On motion, by order,

The report of the committee appointed to adjust the State Treasurer's accounts was read the first time.

By special order, the same was read a second time and agreed to.

Ordered, That the same be returned to the House of Assembly by Mr. Polk, together with the public accounts and vouchers.

The committee appointed by Council to confer with a com-

mittee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for amending the laws for establishing fees, and the subsequent amendments proposed by the House of Assembly to the same bill, now delivered their report at the table; which, by order, was read the first time.

By special order the same was read a second time.

Messrs. Polk and Cantwell now reported the delivery of the several papers respectively committed to them according to order.

On motion, by order,

The Council took into consideration the amendment proposed by the House of Assembly to the bill for introducing economy in the purchasing supplies for the army, and the same being considered and debated were rejected by the Council.

Ordered, That the said bill and amendments be returned, by Mr. Polk, to the House of Assembly.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair the bill for amending the laws for establishing fees, &c., with the report of the committee of conference and the amendments proposed thereto by the House of Assembly.

On motion, by order, the said amendments were read the first time.

By special order, the same were read the second time, considered and rejected by the Council.

Ordered, That the foregoing bill and report, with the amendments proposed thereto by the House of Assembly and rejected by the Council, be returned to that House by Mr. Polk.

Who, being returned, reported the delivery of the several papers committed to him according to order.

The Council now put in nomination persons to be balloted for as a Privy Councillor, when several persons were named for that office, and their names taken down for consideration, to be balloted for to-morrow morning.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 28th, 1779.

The Council met. Present all the members.

Mr. Houston, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly empowering the President to take measures for the more speedy supplying the army.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read the second time, and an amendment was proposed and agreed to.

Ordered, That the said resolution and proposed amendment be sent, for concurrence, to the House of Assembly by Mr. Patterson.

Who, being returned, reported the delivery thereof according to order.

The Council, agreeable to the order of the day, proceeded to ballot for a Privy Councillor, and the box containing the ballots being examined, it appeared that James Raymond, of Kent County, Esq., was declared to be duly elected.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a bill for amending the laws for establishing fees, and the amendments proposed thereto; the report of the committee of conference, and the amendments proposed thereto by the House of Assembly, and rejected by the Council, receded from by that House, with a paper of further amendments proposed to the same report by the House of Assembly.

The same member also delivered to the Chair the resolution empowering the President to take measures for the more speedy supplying the army, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein.

The Council took into consideration the further amendments

proposed by the House of Assembly to the report of the committee of conference, and after some time spent therein agreed to all the aforesaid amendments except the amendment for allowing a salary of one thousand pounds to the Attorney General.

Ordered, That Mr. Patterson wait on the House of Assembly with the bill for amending the laws for establishing fees, and the foregoing report of the committee of conference and the amendments proposed to each respectively.

Mr. Patterson reported the delivery of the above papers according to order.

On motion, by order,

The resolution empowering the President to take measures for the more speedy supplying the army was read, as amended, and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"MONDAY, P. M., December 27, 1779.

"On motion,

"*Resolved*, That the President or Commander-in-Chief of this "State be and hereby is empowered, in the recess of the General "Assembly, to take such measures, on application of Congress, "the Commander-in-Chief of the Continental Army, or the Com- "missary or Quartermaster General of the said Army, for imme- "diately supplying provisions or forage for the use of the same, "and issue such orders to all and every person within this State "concerned in the purchasing supplies for the said army, for the "purpose of procuring and forwarding the same, as the exigency "of the case may require; and in case the said purchaser, or any "of them, refuse or neglect to obey and execute such orders, the "President is hereby also empowered to suspend such officer and "appoint another in his place.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Polk return the foregoing resolution, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, December 29th, 1779.

The Council met. Present all the members, except Messrs. Polk and Conwell.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair the engrossed bill for amending the laws for establishing the salaries and fees of the civil officers of this State, signed by the Speaker of the House of Assembly, together with the original bill and its amendments, in order that the same may be compared and signed by the Speaker of the Council, with a resolution for affixing the Great Seal of this State to the said bill.

The same member also delivered a resolution for raising the officers of the Delaware Regiment in rotation, &c.

The same member also delivered a resolution allowing each officer of the said regiment a hat.

The same member also delivered a resolution empowering the Speakers of both Houses to draw for ten thousand pounds in favor of the Clothier-General.

On motion, by order,

The bill for amending the laws for establishing the salaries and fees of the civil officers of this State, &c., was read, compared and ordered to be signed by the Speaker of the Council; which was accordingly done; whereupon Mr. Bassett entered the following protest against the said bill, viz:

WHEREAS the bill entitled "An act for the amendment of the laws for establishing the salaries and allowances to the President, Justices of the Supreme Court and Justices of the Courts of Common Pleas and Orphans' Court of this State, and the fees

of the other civil officers thereinafter mentioned, and the allowances to jurors and witnesses," has been engrossed and signed by the Speaker of the House of Assembly and sent to the Council, in order to be signed by the Speaker of the same, with a clause therein contained not warranted by any amendment or proposition agreed to by the General Assembly, which proceedings I conceive to be illegal and unjustifiable, I do therefore hereby protest against the same, and pray that this protest may be entered on the minutes of the Council.

RICHARD BASSETT.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing last mentioned bill was read, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., December 29, 1779.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following law, to wit :

"'An act for the amendment of the laws for establishing the "salaries and allowances to the President, Justices of the Su- "preme Court and Justices of the Courts of Common Pleas and "Orphans' Courts of this State, and the fees of the other civil "officers hereinafter mentioned, and the allowances to jurors and "witnesses.'

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for raising the officers in the Delaware Regiment in rotation was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., December 28, 1779.

"On motion,

"*Resolved*, That the officers of the Delaware Regiment in the "Continental Army be raised, in rotation, so as to fill up the

"vacancies occasioned by the resignation of Lieutenant Colonel "Charles Pope, who has resigned his office therein; and that the "President and Commander-in-Chief be requested to transmit a "copy of this resolution to the Board of War.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The resolution of the House of Assembly for allowing each officer in the Delaware Regiment a hat, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"TUESDAY, P. M., December 28, 1779.

"On motion,

"*Resolved*, That each commissioned officer in the Delaware "Regiment be allowed a hat, in addition to the clothing hereto- "fore allowed them by the General Assembly, which the Clothier- "General is hereby directed to furnish.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The resolution of the House of Assembly empowering the Speakers of both Houses to draw an order for ten thousand pounds in favor of the Clothier-General was read the first time.

Then the following accounts, brought in for the expenses of the Council, incurred at their present meeting for services rendered the State, were allowed, viz:

To the Honorable John Clowes, Esq., Speaker, for his traveling charges, &c.,	£	107	0 0
To William Polk, Esq., for ditto,		75	10 0
To William Conwell, Esq., for ditto,		96	0 0
To John Baning, Esq., for ditto,		45	0 0
To Richard Cantwell, Esq., for ditto,		22	2 6
Carried forward,	£	345	12 6

Brought over, ...	£ 345	12	6
To Mrs. Huggins, for boarding Messrs. Collins and Hyatt, including traveling charges, ...	524	13	9
To Mr. John Lea, for boarding Mr. Bassett, including traveling charges, ...	185	2	6
To Miss Alice Bennett, for boarding the Honorable John Clowes, William Conwell, William Polk, and Benjamin Vining, Esquires, ...	980	0	0
To Mr. Israel Brown, for liquors, &c., ...	197	10	0
To Mr. Henry Kitchen, for keeping several of the members' horses, ...	405	0	0
To Mr. Benjamin Vining, Clerk of the Council, . .	411	5	0
To Mr. John Thelwell, Sergeant-at-Arms, ...	165	5	0
To Mr. John McGonogle, barber, ...	75	0	0
	£ 3289	8	9

On motion, by order,

The resolution for the adjournment of the General Assembly to Lewes-town, in Sussex County, was read a third time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, December 25, 1779.

"On motion,

"*Resolved*, That the General Assembly of this State will meet "at the Town of Lewes, in the County of Sussex, on the day to "which the present sessions may be adjourned, there to sit and "transact the public business.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Then the Council adjourned until the 22d day of May next, to meet at the Town of Lewes, in the County of Sussex.

MINUTES OF COUNCIL.

MARCH, 1780.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, MARCH, 1780.

At a meeting of the Council at the Town of Lewes, in the County of Sussex, by a special order of the President, on Tuesday, the 28th day of March, in the year of our Lord one thousand seven hundred and eighty, a quorum of the members to form an House not attending, the Council adjourned from day to day until Monday, the 3d day of April, 1780.

MONDAY, April 3, 1780.

The Council met. The following members attended, viz:

For New Castle County—Peter Hyatt.

For Kent County—Thomas Collins, John Baning, Richard Bassett.

For Sussex County—The Honorable John Clowes, William Conwell, William Polk.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, April 4th, 1780.

The Council met. Present the same members.

The writs for convening the General Assembly at the Town of Lewes not being laid before the Council, the House adjourned from day to day until Friday, the 7th instant.

FRIDAY, April 7th, 1780.

The Council met. Present the same members as on Tuesday.

The Secretary now delivered the writs for summoning the General Assembly to the Clerk of the Council, which by him were laid before the Council and read; and thereupon the Speaker laid upon the table a message from his Excellency, the President, of the 31st March last, which had been delivered to him by Mr. Stidham, a members of Assembly, on the 6th instant; and also a letter from the President of Congress to the President of this State, inclosing a Proclamation of Congress for setting apart Wednesday, the 26th instant, as a day of fasting, humiliation and prayer, with a resolution of the House of Assembly, for that purpose, founded thereon, which had been delivered to him by Mr. Bryan, a member of Assembly, on the 4th instant.

On motion, by order,

The President's message, and its inclosures, were severally read, and the said message is as follows, viz:

"*Gentlemen of the General Assembly:*

"A circular letter of the twenty-sixth of February last, which "I have received from the President of Congress, with an act of "that honorable body of the twenty-fifth of the same month, "calling upon the several States to procure their respective "quotas of supplies for the ensuing campaign, have, from the "importance of the subject, determined me, with advice of the

"Privy Council, to convene you before the time to which you "adjourned; both because a speedy compliance with that act, "and vigorous exertions in carrying the same into execution, "appear to be equally obvious and essentially necessary. I have "therefore directed the Secretary to lay these papers before your "Honors for your immediate consideration; and also to lay be- "fore you two acts of Congress of the thirteenth and fourteenth "of January last, the former containing regulations to be adopted "relating to prisoners of war, whether taken by the Continental "troops or captured by the arms of any particular State, either "by sea or land, in order to obviate many difficulties occurred "for want of these general regulations; the other recommending "to the Legislature of each of the United States to make pro- "vision, where the same is not already done, for conferring like "immunities on the subjects of his most Christian Majesty as are "granted to the subjects of these States by divers articles in the "treaty of amity and commerce; and likewise a recommendation "to the several States to set apart Wednesday, the twenty-sixth "of April next, as a day of fasting, humiliation and prayer.

"I must also entreat the attention of your Honors to an act "of Congress, of the eighteenth instant, calling on the several "States to bring in the Continental Currency, by monthly taxes, "or otherwise, as may best suit their respective circumstances, "and making provision for other bills to be issued in lieu thereof, "under certain restrictions, accompanied by a circular letter, ad- "dressed from the President of Congress, on that subject, both "which the Secretary will lay before you for your perusal and "consideration, together with an act of Congress, of the twen- "tieth instant, recommending the revision of such laws as have "been passed making the said currency a tender in discharge of "debts and contracts. As the two last mentioned acts are of the "first importance to the inhabitants of America, I have no doubt "but they will meet your most serious attention.

"Dover, March 31, 1780. CÆSAR RODNEY."

On motion, by order,

The resolution appointing Wednesday, the 26th instant, to be observed as a day of fasting, humiliation and prayer, was read the first time.

By special order, the same was read a second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., April 4, 1780.

"The committee to whom was referred the act of Congress "recommending Wednesday, the twenty-sixth day of April in- "stant, to be set apart as a day of fasting, humiliation and prayer, "reported the following resolution, to which the House agreed:

"*Resolved*, That Wednesday, the twenty-sixth day of April "aforesaid, be set apart as a day of fasting, humiliation, and "prayer to Almighty God, for the purposes in the above-recited "act of Congress expressed, and that his Excellency, the Presi- "dent, be requested to publish the same throughout this State, "by proclamation, on or before the fourteenth day of this instant."

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Polk return the foregoing resolution, with the concurrence of the Council thereto, to the House of Assembly, together with the letter and proclamation therein referred to and accompanying the same.

Who, being returned, reported the delivery thereof according to order.

Mr. Bassett applied for leave of absence for a few days, which was granted to him.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., April 8th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Bassett and Mr. Conwell.

Doctor Molleston, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 13th January

last, relative to prisoners of war brought into this State, with a bill, offered by the House of Assembly, founded thereon.

On motion, by order, the foregoing act of Congress, and the bill founded thereon, were severally read the first time.

By special order, the foregoing bill for regulating prisoners of war brought into this State, was read the second time and referred to Messrs. Clowes, Polk and Hyatt, to report thereon on Monday next.

Adjourned till Monday morning at 10 o'clock.

MONDAY, April 10, 1780.

The Council met.

Some of the members attending on a committee, the Council adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., April 11th, 1780.

The Council met. Present all the members, except Messrs. Bassett, Cantwell, and Patterson.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair two receipts for public money paid into the Loan Office of Sussex County by Levin Derrickson and Joseph Hazzard, commissioners appointed by an act of Assembly for the recovery of public monies from the late Trustees of the Loan Office in Sussex County, and others therein named, with a resolution of the House of Assembly respecting the said receipts.

The same member also delivered a petition from divers inhabitants of Appoquinimink Hundred, in New Castle County, praying leave to bring in a bill for embanking the marsh and cripple

on Morris's Branch, in the said hundred, together with the proceedings of the House of Assembly and a bill for that purpose founded thereon.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of £353 : 7 : 6 into the State Treasury by Joseph Stidham, appointed, by a resolution of the General Assembly at their last sitting, to make sale of the guard house and wooden part of the magazine in the Borough of Wilmington, with an account of the sales.

On motion, by order, the two foregoing receipts for public money paid by Levin Derrickson and Joseph Hazzard, Esquires, were severally read, and are as follows, viz :

"Received, November 4th, 1779, of Messrs. Levin Derrick-"son and Joseph Hazzard, commissioners appointed by act of "General Assembly, the sum of four thousand four hundred "and forty-six pounds and nine pence three farthings, principal, "and nine hundred and sixty-seven pounds and two pence three "farthings, interest, due from the late Trustees of the General "Loan Office of Sussex County, according to the settlement of "the public accounts in the year one thousand seven hundred "and seventy-four.

"£5413 : 1 : 0½. JOHN RODNEY, *Trustee L. O.*"

"Received, April 6th, 1780, of Messrs. Levin Derrickson and "Joseph Hazzard, commissioners appointed by act of Assembly "of this State, the sum of four hundred eighty-eight pounds "seventeen shillings and four pence, principal, and one hundred "seventeen pounds and seven pence, interest, being a balance "due from David Hall and Jacob Kollock, as settled by the "House of Assembly in the year one thousand seven hundred "and seventy-four.

"£605 : 17 : 11. DAVID HALL, *Trustee L. O.*"

On motion, by order,

The resolution of the House of Assembly respecting the two foregoing receipts was read the first time.

By special order, the same was read a second time, concurred in, and is in these words, viz :

"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, P. M., April 7, 1780.

"*Resolved*, That the said two receipts be and are hereby declared to be full and sufficient acquittances and discharges as "well to the aforesaid late Trustees of the Loan Office of the "County of Sussex, and to David Hall and Jacob Kollock aforesaid, as to the said commissioners, Levin Derrickson and Joseph Hazzard; and that the sum of one hundred pounds be "allowed to the said Levin Derrickson and Joseph Hazzard for "their expenses and trouble in discharge of the duty enjoined "them by the act of General Assembly aforesaid; which said "sum shall be drawn for by the Speakers of both Houses on "the State Treasurer.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for the payment of £353 : 7 : 6 into the State Treasury by Joseph Stidham, Esq., was read the first time.

By special order, the same was read a second time, and sundry amendments were proposed and agreed to.

Ordered, That Mr. Conwell return the foregoing resolution and proposed amendments to the House of Assembly for concurrence, together with the two foregoing receipts for public monies paid by Messrs. Levin Derrickson and Joseph Hazzard, and the resolution of the House of Assembly founded thereon, concurred in by the Council.

Mr. Conwell, being returned, reported the delivery thereof according to order.

On motion, by order,

The petition from divers inhabitants of Appoquinimink Hundred, praying leave to bring in a bill for embanking the marsh and cripple on Morris's Branch, &c., the proceedings of the House of Assembly, and the bill founded on the said petition, were severally read the first time.

Adjourned till 3 o'clock, P. M.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair a circular letter from the President of Congress to the President of this State, inclosing an act of Congress, of the 14th January last, recommending to the Legislatures of the several United States to make provision for conferring like privileges and immunities on his most Christian Majesty as are granted to the subjects of these States by divers articles of the treaty of amity and commerce, with a bill proposed for that purpose; which was read the first time.

The committee to whom the bill for regulating prisoners of war was referred, now reported sundry amendments to the same; which, by order, were read, agreed to and ordered to be transcribed.

Ordered, That the foregoing bill and transcribed amendments be sent to the House of Assembly, by Mr. Polk, for concurrence.

On motion, by order,

The bill for embanking the marsh and cripple on Morris's Branch was read the second time and referred to Messrs. Hyatt and Polk, to report thereon.

On motion of Mr. Collins for leave of absence during the present sitting, the same was granted to him.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., April 12th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Collins.

Mr. Patterson now appeared in the Council, and, in his place, made his excuse for non-attendnce; which, being admitted, he took his seat.

The committee to whom the bill for embanking the marsh and cripple on Morris's Branch, &c., was referred, now reported sundry amendments to the same; which, by order, were read, agreed to and ordered to be transcribed.

Mr. Polk now reported the delivery of the papers committed to his charge, according to order of yesterday.

On motion, by order,

The bill for conferring certain privileges and immunities on the subjects of his most Christian Majesty, the King of France, was read the second time.

By special order, the same was read a third time by paragraphs and passed the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing bill, as agreed to by the Council, and the circular letter and act of Congress relative thereto; and also return to that House the bill for embanking the marsh and cripple on Morris's Branch, &c., and the transcribed amendments thereto, with the petition and proceedings of the House of Assembly accompanying the same.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., April 13, 1780.

The Council met. Present the same members as on yesterday.

Mr. Stidham, a member of Assembly, was admitted and presented to the Chair two petitions from the owners and possessors of the marsh on Red Lyon Creek, in New Castle County, with a resolution of the House of Assembly founded on the said petitions.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the petitions of the owners and possessors of the marsh and cripple on Red Lyon Creek, &c., and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., April 11, 1780.

"The House took into consideration the two petitions from "the owners and possessors of the Red Lyon Marshes respecting "the banks of the same, and after some time spent thereon,

"*Resolved*, That Robert Bryan and Thomas Duff, Esquires, "and Mr. Morton Morton be and are hereby appointed to go "upon the premises and view the same, and report to the "General Assembly the situation and circumstances of the said "marshes and banks, with their opinion thereon, after having "first given public notice of the time of meeting, in order that "the parties concerned may appear and offer any objections they "have against the petitions aforesaid.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Baning return the foregoing petitions and resolution to the House of Assembly, concurred in by the Council.

Mr. Baning, being returned, reported the delivery of the papers committed to him, according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the Clothier-General's accounts and vouchers, with the report of the committee thereon, and the resolutions of the House of Assembly founded on the same report.

On motion, by order, the foregoing report of the Committee of Accounts, and the resolutions founded thereon, were severally read the first time.

Mr. Houston, a member of Assembly, was admitted and delivered to the Chair the bill for regulating prisoners of war, with the amendments proposed thereto by the Council agreed to in the whole by the House of Assembly, except as to the last amendment, to which they have proposed an addition.

Adjourned till to-morrow morning at 9 o'clock.

FRIDAY, A. M., April 14th, 1780.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolutions of the House of Assembly on the report of the Committee of Accounts, were read a second time, concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., April 11, 1780.

"The report of the Committee of Accounts was, by order, read "the second time, and thereupon

"*Resolved*, That the several accounts of George Craghead, "Esq., Clothier-General, both for the expenditure of cash for "the service of the regiment and his expenses in conveying "clothing to camp, with the vouchers, be referred for adjustment "to the Auditor of Accounts.

"That one hundred and two pounds sixteen shillings and three "pence be allowed to Lieutenant William McKennan, to defray "his expenses in conveying clothing for the regiment of this "State to camp.

"That one hundred and ninety-two pounds five shillings be "paid to Lieutenant Edward Roche, for issuing eight months

"supplies, allowed by the General Assembly to the officers of "the aforesaid regiment.

"That eight hundred and ten pounds be paid to James Adams, "printer, for printing the laws passed at the last sitting of the "General Assembly, which were ordered to the press.

"That the Speakers of both Houses draw for the several sums "aforesaid on the State Treasurer.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

The Council took into consideration the additional amendment proposed by the House of Assembly to the amendment proposed by the Council to the bill for regulating prisoners of war, and agreed thereto.

Ordered, That Mr. Polk wait on the House of Assembly with the Clothier-General's accounts and vouchers, the report of the Committee of Accounts thereon, and the resolutions founded on the said report concurred in by the Council, together with the bill for regulating prisoners of war and the Council's amendments thereto, with the additional amendment proposed thereto by the House of Assembly acceded to by the Council.

Mr. Polk reported the delivery of the above papers according to order.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 25th February last, respecting supplies, with a bill for furnishing this State's quota of supplies for the ensuing campaign founded thereon.

On motion, by order, the foregoing bill was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council took into consideration the act of Congress calling upon the several States for their respective quotas of supplies for the ensuing campaign, and the bill founded thereon, and thereupon resolved themselves into a committee of the whole to consider the same.

Mr. Speaker left the Chair.

Mr. Patterson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Chairman reported from the committee that they had proposed divers amendments to the said bill, which were read, considered and agreed to by the Council.

Ordered, That Mr. Conwell return the said act of Congress and the foregoing bill to the House of Assembly, with the paper of amendments proposed thereto by the Council, for their concurrence.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a petition from divers inhabitants of New Castle County in favor of Negro Peter, slave of Joshua North, of said county, and forfeited to this State, under the laws thereof, and sold by the Commissioners for Forfeited Estates, praying a remission of part of the sum for which he sold, with a resolution of the House of Assembly founded thereon, and also the following resolution or notification respecting an adjournment, viz:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"FRIDAY, the 14th April, 1780.

"On motion,

"*Resolved*, That this House will adjourn to-morrow eve to "some future day.

"Extract from the minutes.

"Sent to the Council for their information.

"JAS. BOOTH, *Cl'k of Assembly.*"

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., April 15th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Conwell now reported the delivery of the papers committed to him, according to order of yesterday.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the report of the committee of the House of Assembly on the petition of William Powders; and also a resolution for prohibiting any member of the General Assembly from holding any office or appointment connected with army or navy contracts.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read the second time, and an amendment was proposed and agreed to.

On motion, by order,

The petition in favor of Negro Peter, and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., 14th April, 1780.

"The petition of divers inhabitants of New Castle County in "behalf of a negro man, Peter, late the negro man slave of "Joshua North, of said county, forfeited to this State under the "laws thereof, and lately sold by the commissioners, praying "that the General Assembly of this State would remit part of "the sum for which the said negro man sold, so as to enable "him to raise the other part and be thereby set at his liberty, "was, by order, read a second time; and the House being well "informed that the purchaser of the said negro, Peter, was ac- "quainted with the contents of this petition and the application, "and was thereto agreed; thereupon

"*Resolved unanimously*, That the sum of money or price for "which the said negro man Peter sold at vendue as aforesaid be "and hereby is remitted, and the said negro man Peter manu- "mitted and discharged from bondage; on condition, neverthe- "less, that legal security be given to indemnify the county or "hundred from any cost, charge, or expense for the support or "maintenance of the said negro man Peter, in such manner as "the laws of this State direct.

"Extract from the minutes. NICH'S VANDYKE.

"Sent for concurrence. Per JAS. BOOTH, *Cl'k.*"

Ordered, That Mr. Polk wait on the House of Assembly with the foregoing petition and resolution, as concurred in by the Council, together with the resolution for prohibiting the members of the General Assembly from holding any office, &c., with the paper of amendments proposed thereto by the Council.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The report of the committee on the petition of William Powders was read and allowed.

Ordered, That Mr. Hyatt return the same to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair the bill for furnishing this State's quota of supplies for the ensuing campaign, with the amendments proposed thereto by the Council, in part disagreed to by the House of Assembly, and an amendment proposed by that House to the said amendments of the Council.

Mr. Collings, a member of Assembly, was admitted and delivered to the Chair the resolution prohibiting the members of the General Assembly from holding any office, &c., with the amendment proposed thereto by the Council disagreed to by the House of Assembly.

The same member also delivered an account from George Latimer, Esquire, of his expenses, as a commissioner from this State, incurred in attending a convention in Philadelphia for ascertaining a general limitation of prices, amounting to £ 338,-11 : 0. Also two accounts of Doctor Charles Ridgely, for medicine administered to sundry soldiers, amounting in the whole to £ 413 : 5 : 0.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council took into consideration the several amendments to the bill for furnishing this State's quota of supplies, &c., and receded from such of their amendments to the same as were disagreed to by the House of Assembly, and agreed to the amendment proposed by the House of Assembly to their amendments.

Ordered, That Mr. Baning return the said bill and amendments to the House of Assembly.

Mr. Baning, being returned, reported the delivery thereof according to order.

Mr. Ridgely, a member of Assembly, was admitted and delivered to the Chair a petition from the officers of the Delaware Regiment, the report of the committee of the House of Assembly on the said petition, and a resolution of the House of Assembly founded on the said report, with the report of the Joint Committee of Accounts of December 21, 1779.

On motion, by order,

The accounts of Messrs. Latimer and Ridgely were read and allowed.

On motion, by order, the foregoing petition, report, and resolution were severally read the first time.

By special order, the foregoing resolution of the House of Assembly, founded on the report of the committee, was read a second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, 15th April, 1780.

"The House took into consideration the report of the committee to whom was referred the remonstrance of the officers of the Delaware Regiment, and the petition of Major Nathaniel Mitchell and others, and thereupon agreed to the said report so far as the same respects the officers of the Delaware Regiment; and, on motion,

"*Resolved*, That the President or Commander of the State be and hereby is empowered, from time to time during the recess of the General Assembly, to draw his orders on the State Treasurer in favor of the Clothier-General of the State for such sum or sums of money as may be necessary to enable him to procure and furnish the officers aforesaid with the supplies and clothing for the ensuing year, in the said resolutions enumerated.

"Extract from the minutes. NICH'S VANDYKE.

"Sent for concurrence. Per JAS. BOOTH, *Cl'k.*"

On motion, by order,

The report of the Joint Committee of Accounts was read a second time and agreed to.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing petition of the officers of the Delaware Regiment, the report of the committee thereon, and the resolution founded on the same report, concurred in by the Council, together with the report of the Joint Committee of Accounts, and the accounts of George Latimer and Charles Ridgely, Esquires, respectively allowed by the Council.

Mr. Conwell, being returned, reported the delivery of the foregoing papers according to order.

Adjourned till to-morrow morning at 10 o'clock.

SUNDAY, A. M., April 16th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Hyatt.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a petition from Preston Berry, for the discharge of his son from his enlistment into the Delaware Regiment, with a resolution of the House of Assembly founded thereon.

On motion, by order, the foregoing petition and resolution were severally read, and the said resolution was concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY, April 16, 1780.

"The House resumed the consideration of the petition of "Preston Berry, and thereupon

"*Resolved*, That Charles Berry, the son of the said Preston "Berry, be and he is hereby discharged from his enlistment with "the Delaware Regiment, in the service of the United States "of America, upon the payment to the recruiting officer of all "charges which have been necessarily incurred by the said "Charles Berry since his said enlistment.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Baning return to the House of Assembly the foregoing petition and resolution concurred in by the Council.

Mr. Baning reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal of this State to the several bills therein mentioned, together with the said bills therein referred to, and several orders, respectively signed by the Speaker of the House of Assembly, in order that the same may be compared and signed by the Speaker of the Council.

On motion, by order, the foregoing bills were severally read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

Ordered also that the Speaker sign the above mentioned order; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal of this State to the foregoing bills was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, April 16, 1780.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, to wit:

1. "An act for conferring certain privileges and immunities on the subjects of his most Christian Majesty, the King of France, within this State;"

2. "An act for regulating prisoners of war brought into this State;"

3. "An act for the more effectual draining and improving the marsh, cripple and low lands on Morris's Branch, in Appoquinimink Hundred and County of New Castle, and for other purposes therein mentioned;"

4. "An act for furnishing supplies within this State for the Army of the United States for the ensuing campaign."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Polk return the foregoing resolution, with the concurrence of the Council thereto, to the House of Assembly, together with the bills and orders above mentioned, respectively signed by the Speaker of the Council.

Mr. Polk, being returned, reported the delivery thereof according to order.

Then the Council took into consideration the accounts of their expenses incurred at this present meeting, and the following accounts were allowed, viz:

	£	s.	p.
To Sarah Shankland, for dieting the members of Council,	1898	10	0
To Mrs. Margaret Kollock, for boarding one of the members of Council and their Clerk,	165	10	0
To Mr. John Wiltbank, for lodging Mr. Collins and keeping his horse,	262	1	0
To the Rev. Matthew Wilson, for boarding two of the members of Council,	327	5	0
To John Marsh, for keeping Mr. Conwell's horse,	136	0	0
To Anderson Parker, keeping Mr. Bassett's horse,	37	13	9
To Simon Edwards, Sergeant-at-Arms, &c., and for paying Mrs. Jones for the rent of her room for the Council,	271	5	0
To William Polk, Esq., for his traveling charges,	18	0	0
To Thomas Collins, Esq., for ditto,	45	0	0
To John Baning, Esq., for ditto,	30	0	0
To Samuel Patterson, Esq., for ditto,	220	5	0
To Peter Hyatt, Esq., for ditto,	150	0	0
To Benjamin Vining, Esq., Clerk of the Council,	307	17	6
	*£4569	7	3

Ordered, That the Speaker draw an order on the State Treasurer in favor of Sarah Shankland for the sum of £1898 : 10 : 0; and also that he draw an order in favor of John Clowes, Esq., for the sum of £1307 : 14 : 9, and separate orders for the remaining sum of £692 : 7 : 3.

Whereupon the said orders was immediately drawn and signed by the Speaker of the Council.

Then the Council adjourned till the 30th day of September next, to meet at the Town of Dover.

*This total, and the other figures given, are according to the record.

MINUTES OF COUNCIL.

JUNE, 1780.

MINUTES OF COUNCIL.

JUNE, 1780.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, JUNE, 1780.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Monday, the fifth day of June, in the year of our Lord one thousand seven hundred and eighty, a quorum of the members to compose an House not attending, the Council adjourned from day to day until Thursday, the 8th instant.

THURSDAY, June 8th, 1780.

The following members attended in the Council, viz :

For New Castle County—Samuel Patterson, Richard Cantwell, Peter Hyatt.

For Kent County—Richard Bassett, John Baning.

For Sussex County—The Honorable John Clowes, William Conwell.

Adjourned till to-morrow morning at 10 o'clock.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE

FRIDAY, A. M., June 9th, 1780.

The Council met. Present the same members as on yesterday, and also Mr. Collins.

Mr. Patterson laid on the table a remonstrance from the pilots of Lewes-town, in the County of Sussex, praying that a law may be enacted for the better regulation of pilots, with articles of agreement entered into by the said pilots for that purpose.

On motion, by order, the foregoing remonstrance and agreement were severally read the first time.

The Speaker laid upon the table a petition of John Sheldon Dorman, praying an increase of toll for keeping the bridge over the Broadkill Creek, in Sussex County, in repair, &c.

On motion, by order, the foregoing petition was read the first time.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a message from his Excellency, the President, to the General Assembly, of the 8th instant, inclosing two letters from the President of Congress to the President of this State, of the 24th and 29th May, 1780, together with three acts of Congress of the 22d, 26th and 27th of the same month therein referred to.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the President's message, and the several acts of Congress therein referred to, were read the first time, and the said message is in these words, viz :

"*Gentlemen of the General Assembly:*

"A circular letter, of the nineteenth of May last, which I have "received from the President of Congress, with an act of that

"honorable body of the same date, calling upon the several "States, from New Hampshire to Virginia, inclusive, to furnish "their quotas of ten millions' dollars for immediate use, have, "from the importance of the subject, determined me, with the "advice of the Privy Council, to convene you at so early a day "after your last sitting, both because the most speedy compli- "ance with the act, and the most vigorous exertions in carrying "the same into execution, appear to be equally obvious and "essentially necessary. I have therefore directed the Secretary "to lay these papers before your Honors for immediate consid- "eration.

"Since issuing the writs for convening the General Assembly, "I have received a letter from the Committee of Coöperation, at "Morris-town, of the 25th ultimo, with a copy of a letter from "the Commander-in-Chief of our Army, and other papers of the "same date, which I have also directed the Secretary to lay be- "fore you; and am persuaded that the powerful naval and land "force expected here from his most Christian Majesty, our good "ally, to forward the operation of our arms, together with your "zeal and affection for the interest of your country, will lead you "to every exertion in your power consistent with the situation "and circumstance of the people you represent.

"The Secretary will deliver you an act of Congress, of the 22d "ultimo, for laying an embargo within this State.

"Gentlemen—I have this day received from the President of "Congress a letter of the twenty-ninth of May, with two acts of "that honorable body of the twenty-sixth and twenty-seventh of "the same month, the one recommending to the States where "any debts are due to their inhabitants from the Quartermaster's "and Commissary's Departments, by notes or certificates, to "make provision for discharging the same; the other adopting "measures to equip for sea the naval force of the United States, "promoting harmony, and forwarding the common views of "France and America; one other act of Congress of the first "instant, making further provision respecting such supplies as "any State may furnish other than, or over and above, their quota "of supplies required by the act of the twenty-fifth of February "last. These papers also the Secretary will lay before you for "your consideration.

"Dover, June 8, 1780. CÆSAR RODNEY."

By special order, the foregoing message and its inclosures, were read a second time and ordered to the House of Assembly.

On motion, by order,

The remonstrance of the pilots in Lewes-town, and the article of agreement accompanying the same, were read a second time and ordered to be sent to the House of Assembly for their consideration.

On motion, by order,

The petition of John Sheldon Dorman was read a second time and ordered to be sent to the House of Assembly for their consideration.

Mr. Patterson is appointed to wait on the House of Assembly with the several foregoing papers.

Who, being returned, reported the delivery thereof according to order.

Mr. William Clark, a member of Assembly, was admitted and delivered to the Chair a letter from George Craghead, Esquire, Clothier-General of this State, of the 3d instant, respecting the supplying the officers of the Delaware Regiment with money in lieu of stores; which, by order, was read the first time.

Adjourned till to-morrow morning at 8 o'clock.

SATURDAY, June 10th, 1780.

The Council met. Present the same members as on yesterday.

Adjourned till Monday morning at 10 o'clock.

MONDAY, P. M., June 12th, 1780.

The Council met. Present all the members, except Mr. Bassett.

Mr. Polk now appeared in the Council, and made his excuse, at his seat, for his non-attendnce at an earlier day in the sessions; which was admitted.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a bill for furnishing the Continental Treasury with one hundred and thirty-two thousand eight hundred dollars, by loan, on the credit of the State.

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time and referred to Messrs. Patterson, Collins and Polk, to report thereon forthwith.

The committee to whom the said bill was referred now reported as their opinion that the same do pass.

Whereupon the said bill was read a third time by paragraphs and passed the Council.

Ordered, That the same be returned, by Mr. Conwell, to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 8 o'clock.

TUESDAY, A. M., June 13th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a bill for the supporting, maintaining and keeping in good repair the causeway and bridge over Broadkill Creek,

in Sussex County, with the petition of John S. Dorman, whereon the said bill was founded.

The same member also delivered the remonstrance and articles of agreement between the pilots at Lewes-town, with a bill for regulating the pilots within this State employed in piloting ships and other vessels through the Bay of Delaware.

On motion, by order,

The bill for supporting, maintaining and keeping in good repair the causeway and bridge over the Broadkill, &c., was read the first time.

By special order, the same was read a second time and referred to Messrs. Clowes, Collins and Polk, to report thereon this afternoon.

On motion, by order,

The bill for regulating the pilots within this State, &c., was read the first time.

By special order the same was read a second time and referred to Messrs. Patterson, Conwell and Hyatt, to report thereon this afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill for supporting and keeping in good repair the causeway and bridge over the Broadkill Creek, in Sussex County, was referred, now reported sundry amendments to the same bill; which, by order, were read, agreed to, and ordered to be transcribed.

The committee to whom was referred the bill for regulating the pilots within this State, employed in piloting ships and other ves-

sels through the Bay of Delaware, now reported as their opinion that the same do pass.

Whereupon the said bill was read a third time by paragraphs and passed the Council.

Ordered, That Mr. Polk wait on the House of Assembly with the first mentioned bill and the amendments proposed thereto by the Council, for their concurrence; and also the bill for regulating the pilots within this State, &c., agreed to by the Council.

Adjourned till to-morrow morning at 8 o'clock.

WEDNESDAY, A. M., June 14th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution empowering the Clothier-General to furnish the officers of the Delaware Regiment with money in lieu of stores.

The same member also delivered a resolution of the House of Assembly for the sale of a quantity of steel, the property of the State.

On motion, by order,

The resolution empowering the Clothier-General to furnish the officers of the Delaware Regiment with money in lieu of stores, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., June 14, 1780.

"It being represented to the House that the Regiment of this "State having marched to join the Southern army, the Clothier-"General finds it almost impracticable to transmit to the officers "of the said regiment the stores allowed them by the General "Assembly, and that from the delay and wastage which must "be unavoidable in conveying such stores to the said regiment "during the present campaign, divers officers of the same have "requested that the Clothier-General be empowered to furnish "the amount of such stores to the officers in money; therefore

"*Resolved*, That George Craghead, Esq., Clothier-General of "this State, pay unto Major John Patten, of the said regiment, "the amount of the stores aforesaid, to be by the said John "Patten distributed to the officers of the said regiment in the "proportion in which such stores are directed to be apportioned "by the General Assembly.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Baning return the same to the House of Assembly, concurred in by the Council.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The resolutions for the sale of a quantity of steel, the property of this State, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., June 14, 1780.

"WHEREAS a considerable quantity of steel was heretofore "purchased for the use of this State, a considerable part whereof "is still on hand, part of which may be sold and the money aris- "ing thereby applied for the use of the State; therefore

"*Resolved*, That the President of the State be requested and "empowered to have so much of the said steel sold by public "sale for the greatest and best price that can be got for the same, "as he, in his opinion, may think can be spared.

"*Resolved*, That the money arising by such sale be by the "President paid into the hands of the State Treasurer, to be by "him applied towards the sum of one hundred and thirty-two "thousand eight hundred dollars, directed to be borrowed, on "the credit of this State, by the act entitled 'An act for furnish- "ing the Continental Treasury with one hundred and thirty-two "thousand eight hundred dollars, by loan, on the credit of this "State;' and that the President make return of such sale and "payment to the General Assembly at their next meeting.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Cantwell return the foregoing resolutions, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Cantwell, being returned, reported the delivery thereof according to order.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair a bill for the payment and discharge of divers receipts, notes, or certificates, in the hands of inhabitants of this State, issued by Francis Wade, Esquire, Deputy Quartermaster-General within this State.

On motion, by order, the foregoing bill was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 15th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Collins.

On motion, by order,

The bill for the payment and discharge of divers receipts, notes or certificates, issued by Francis Wade, Esq., &c., was read the second time.

The same, by order, was read a third time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a return of deserters from the Delaware Regiment, confined in the public goal of Kent County since January 1st, 1780, together with a petition of Benjamin Crooks, keeper of the said goal, relative thereto, and a resolution of the House of Assembly, founded thereon, for the payment of one hundred and fifty pounds to the said Benjamin Crooks.

On motion, by order, the foregoing petition and resolution were read the first time.

Adjourned till to-morrow morning, 8 o'clock.

FRIDAY, A. M., June 16th, 1780.

The Council met. Present the same members as on yesterday, and also Mr. Collins.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for furnishing the Continental Treasury with 132,800 dollars, by loan, on the credit of the State; the bill for the supporting, maintaining, &c., the bridge over Broadkill Creek, &c., with the amendments proposed thereto by the Council agreed to by the House of Assembly and made therein; and also the bill for regulating the pilots within this State, &c., engrossed and respectively signed by the Speaker of the House of Assembly, together with the originals, for comparison.

The same member also delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to the same bills.

On motion, by order,

The foregoing bills were severally read, compared and ordered to be signed by the Speaker; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the three laws, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, June 16th, 1780.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following laws, to wit:

1. "An act for the furnishing the Continental Treasury with one hundred and thirty-two thousand eight hundred dollars, by loan, on the credit of the State;"

2. "An act for the supporting, maintaining and keeping in

good repair the bridge over the Broadkill Creek, in Sussex County, and for other purposes therein mentioned;"

3. "An act for regulating the pilots within this State employed in piloting ships and other vessels through the Bay of Delaware."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing bills, respectively compared and signed by the Speaker of the Council, together with the resolution for affixing the Great Seal thereto, concurred in by the Council, be returned to the House of Assembly by Mr. Conwell.

Mr. Conwell reported the delivery thereof according to order.

On motion of Mr. Collins, for leave to bring in a bill for the repealing an act of Assembly entitled "An act for the repairing and keeping up the causeway adjoining the creek called the Murderkill, in Kent County," the same was granted; and thereupon a bill for that purpose was laid on the table.

On motion, by order, the foregoing bill was read the first time.

Mr. Peery, a member of the House of Assembly, was admitted and delivered the bill for the payment and discharge of divers receipts, notes, or certificates, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly, and an additional amendment proposed to the first amendment by the House of Assembly.

On motion, by order,

The said bill, with the amendments, was read, and the Council acceded to the additional amendment of the House of Assembly and proposed a further amendment to their own amendment; which was read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cantwell return the foregoing bill, with its several amendments, to the House of Assembly for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the petition of Benj. Crooks, and the resolution of the House of Assembly for the payment of one hundred and fifty pounds to the said Benj. Crooks, were severally read the second time, and the said resolution was concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, P. M., June 14, 1780.

"The committee to whom was referred the petition of Benj. "Crooks, keeper of the public goal of Kent County, report that "they find due to the said Benj. Crooks one hundred and fifty "pounds, for firewood furnished during the course of the last "winter to deserters from the Delaware Regiment in the service "of the United States, who were confined in the said goal, and "that the same be paid out of the public money of this State and "charged to the United States; to which the House agreed.

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer for the aforesaid one hundred and fifty "pounds in favor of the said Benjamin Crooks.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Cantwell now reported the delivery of the several papers given him in charge according to order.

Ordered, That the account and petition of Benjamin Crooks, and the resolution for the payment of £150 to the said Benjamin Crooks, be returned to the House of Assembly, concurred in by the Council, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the repealing an act entitled "An act for the repairing and keeping up the causeway adjoining the creek called the Murderkill, &c.," was read the second time.

The same was, by order, read a third time, by paragraphs, and passed the Council.

Ordered, That Mr. Collins deliver the foregoing bill to the House of Assembly for their perusal and consideration.

Mr. Collins reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, attending, was admitted and delivered to the Chair an act to prohibit the exportation of provisions from this State beyond the seas for a limited time.

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time and committed to Messrs. Collins, Polk and Patterson, to report thereon to-morrow morning.

Adjourned till to-morrow morning at 8 o'clock.

SATURDAY, A. M., June 17th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for the preservation of buildings erected upon lands of the inhabitants of this State for the use of the United States, &c.

The committee to whom was referred the bill for prohibiting the exportation of provisions from this State, &c., now reported an amendment thereto; which was read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cantwell wait on the House of Assembly with the bill last mentioned and the transcribed amendment.

Mr. Cantwell reported the delivery thereof according to order.

On motion, by order,

The bill for the preservation of public buildings was read the first time.

By special order, the same was read the second time, and ordered to lie over for consideration.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition from James Tilton and Henry Latimer, surgeons in the army, for clothing, together with a resolution of the House of Assembly for furnishing clothing to the said James Tilton and Henry Latimer.

On motion, by order, the foregoing petition and resolution were read the first time.

By special order, the same were read a second time, and the said resolution concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., June 17, 1780.

"WHEREAS Congress, by their act of the 15th day of April "last, have resolved that any State which shall furnish the offi- "cers of the hospital and medical staff belonging to such State "in the service of the United States with such articles of cloth- "ing as those officers are respectively entitled to by a resolution "of Congress of the 20th November, 1779, and make return "thereof to the Clothier-General, shall have credit for such sup- "plies in their accounts with the United States; and whereas "James Tilton and Henry Latimer, senior surgeons in the army "of the United States, have prayed the General Assembly of this "State to be furnished with clothing as aforesaid; therefore

"*Resolved*, That George Craghead, Esq., Clothier-General of "this State, be authorized and directed to furnish the said James "Tilton and Henry Latimer with such articles as by the said "resolution is directed, and make return thereof to the Clothier- "General of the Army, according to the said resolution, and also "to this State.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing petition and resolution, concurred in by the Council, be returned by Mr. Polk to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

The Council now took into consideration the bill for the preservation of public buildings, &c., and sundry amendments were proposed, agreed to, and ordered to be transcribed and sent to the House of Assembly, for their concurrence, by Mr. Baning.

Who, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., June 19th, 1780.

The Council met. Present the same members as on Saturday, and also Mr. Bassett.

Mr. Peery, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the preservation of public buildings, &c., with the amendments proposed thereto by the Council in part agreed to and in part disagreed to by the House of Assembly.

The same member also delivered the bill to prohibit the exportation of provisions from this State, &c., with the amendments

proposed thereto by the Council acceded to by the House of Assembly and made therein.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for procuring an immediate supply of provisions within this State for the Army of the United States, &c., accompanied with an act of Congress of the 1st instant, a letter from his Excellency, General Washington, to the Committee of Coöperation, of the 25th May, and two letters from the said committee, to the President of the State, of the 25th May and 2d June, 1780, on the subject of supplies.

The Council took into consideration the bill for the preservation of public buildings and its amendments, and thereupon they receded from their first amendment, disagreed to by the House of Assembly, and adhered to their last, also disagreed to by that House, and likewise proposed additional amendments to the said bill, which were read, agreed to, and ordered to be transcribed and sent, together with the said bill and the embargo bill, by Mr. Conwell, to the House of Assembly, and also the following message, viz:*

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for procuring an immediate supply of provisions, &c., together with the act of Congress and letters accompanying the said bill, were severally read the first time.

By special order, the same bill was read the second time and ordered to lie over till to-morrow.

Mr. Conwell now reported the delivery of the several papers committed to his charge according to order.

Adjourned till to-morrow morning at 7 o'clock.

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* This message is not recorded.

TUESDAY, A. M., June 20th, 1780.

The Council met. Present the same members as on yesterday.

The Council now took into consideration the bill for procuring an immediate supply of provisions, &c., and sundry amendments to the same were proposed, read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Hyatt deliver the foregoing bill, and the act of Congress and several letters accompanying the same, together with the transcribed amendments, to the House of Assembly for their consideration and concurrence.

Mr. Hyatt, being returned, reported the delivery of the aforesaid papers according to order.

Mr. Stidham, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, inclosing copies of two letters from his Excellency, General Washington, to the Committee of Coöperation, of the 11th and 12th instant, together with a letter from General Washington, of the 2d instant, to the President of this State, respecting aids of Militia from this State; and also a bill for embodying a number of Militia for the purpose of reinforcing the Army of the United States.

On motion, by order,

The foregoing bill and message, with the several letters accompanying the same, were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"Yesterday evening I received a letter from the Committee of "Coöperation at Morris-town, dated the 12th instant, together "with copies of two letters from his Excellency, General Wash-"ington, to the committee; all which I have directed the Secre-"tary to lay before your Honors immediately, and as the General "is very pressing, I am persuaded you will do everything in your "power, without the least delay, to answer his expectations.

"Dover, June 17, 1780. CÆSAR RODNEY."

On motion, leave was granted to Mr. Polk to bring in a bill for the protection of the trade of this State; whereupon a bill for this purpose was laid on the table.

On motion, by order, the foregoing bill was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for embodying a number of Militia of this State, &c., was read the second time.

The same was a third time by paragraphs read, and sundry amendments thereto were proposed, read, agreed to and ordered to be transcribed.

Ordered, That Mr. Polk deliver the said bill, with the transcribed amendments, and the President's message and letters accompanying the same bill, to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

Mr. John Clark, a member of Assembly, attending, was admitted and delivered to the Chair certain resolutions of that House for procuring arms, &c.

On motion, by order, the foregoing resolutions were read the first time.

On motion, by order,

The bill for the protection of the trade of this State was read the second time and agreed to by the Council.

Ordered, That the same be sent to the House of Assembly, for their consideration and concurrence, by Mr. Cantwell.

Mr. Houston, a member of Assembly, attending, was admit-

ted and delivered to the Chair the accounts of Capt. John Learmouth, the superintendent of the recruiting service for the Delaware Regiment, together with the reports of the committee of the House of Assembly and of the Auditor General on the said accounts, and the muster roll, dated 30th, 1780.

The same member also delivered to the Chair Doctor Samuel McCall's account for rent due him for ground whereon the Continental stable in the Town of Dover is erected, with a resolution of the House of Assembly empowering the Speakers to draw an order in favor of the said Samuel for £280.

The several foregoing accounts, reports, and resolution empowering the Speakers to draw an order in favor of S. McCall, were, by order, severally read the first time.

On motion, by order,

The resolution for procuring arms, &c., was read the second time, and some amendments were proposed thereto; which were read, agreed to, and ordered to be transcribed and sent to the House of Assembly by Mr. Cantwell.

Mr. Cantwell, being returned, reported the delivery of the several papers committed to him according to order.

Adjourned till to-morrow morning at 6 o'clock.

WEDNESDAY, A. M., June 21st, 1780.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Mr. Vandyke, a member of the House of Assembly, was admitted and delivered to the Chair the resolution for procuring arms, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to fit out

barges to cruise on the bay and river of Delaware for the protection of the trade thereof.

On motion, by order,

The resolution for procuring arms, &c., as amended, was read and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., 20th June, 1780.

"WHEREAS it may be necessary from time to time, during the "recess of the General Assembly, that the receivers of supplies "in the respective Counties of this State be furnished with money "in order to enable them to proceed on the business assigned "them,

"*Resolved*, That the President and Commander-in-Chief of the "State be and hereby is empowered to draw his order on the "State Treasurer in favor of the said receivers respectively for "such sums of money as he may judge necessary to enable the "said receivers to conduct the business with dispatch and ex- "pedition ; for which the said receivers are respectively to be "accountable to the General Assembly.

"*Resolved also*, That the President and Commander-in-Chief "hereby is empowered and requested to write to the Board of "War to procure arms and other accoutrements for the use of "the three hundred and fifteen men required of this State, the "same to be procured on loan, or charged to the State, as may "be most agreeable to the said Board.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution empowering the President to fit out barges, &c., was read the first time.

By special order, the same was read the second time and concurred in, and follows in these words, viz :*

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*The resolution is not recorded.

Ordered, That Mr. Patterson return the two foregoing resolutions, with the concurrence of the Council to each respectively, to the House of Assembly.

Mr. Patterson, being returned, reported the delivery of the same according to order.

On motion, by order,

The resolution empowering the Speakers to draw an order in favor of S. McCall for £280, was read the second time and rejected.

On motion, by order,

The report of the committee of the House of Assembly on Capt. Learmouth's accounts was read the second time and agreed to, and is as follows, to wit:

"Your committee who were directed to converse with Capt. "Learmouth on the subject of his accounts, have had such con- "ference, and thereupon beg leave to report: That in the opin- "ion of your committee the premium which was allowed by a "resolution of the General Assembly, dated the — day of June, "1779, is now quite insufficient for the duty, and by the depre- "ciation of our paper currency has become much less than was "designed by the Legislature; therefore your committee are of "opinion that the reward now to be allowed to Capt. Learmouth "for the recruiting service should be made equal to the reward "designed by the Assembly at the time of entering into the reso- "lution aforesaid, and also that the reasonable expenses of Capt. "Learmouth during his attendance for the settlement of his ac- "counts ought to be paid by this State.

"Your committee, being further instructed to report what may "be the state of the accounts, do report that, after allowing several "sums of money expended in taking up and securing deserters, "and also for Capt. Learmouth's expenses going to, staying at, "and returning from Philadelphia, being sent there by the Gov- "ernor for money, there appears due from the said Capt. Lear- "mouth the sum of four thousand one hundred and thirty-six "dollars."

Ordered, That Mr. Baning return to the House of Assembly Capt. Learmouth's muster roll and recruiting accounts, with the

report of the committee thereon agreed to by the Council, and the Auditor General's report, and also deliver the resolution empowering the Speakers to draw an order in favor of S. McCall for £280, rejected by the Council.

Mr. Baning reported the delivery of the aforesaid several papers according to order.

WHEREAS the present mode of raising recruits to fill up the Delaware Regiment is found, by experience, not to answer the good purposes thereby intended; for the more easy and speedy filling up the regiment aforesaid, therefore

Resolved, That the President or Commander-in-Chief in this State for the time being may, and he is hereby authorized and empowered, to appoint one or more suitable persons in each county of this State, inhabitants thereof, to the recruiting service, for the purpose aforesaid.

Resolved also, That every person on the recruiting service, appointed as aforesaid, shall be allowed one hundred and ninety dollars for each able-bodied soldier he may enlist to serve during the war, and who shall pass muster.

That an additional bounty of two hundred dollars, over and above the two hundred dollars allowed by Congress, be given to every soldier that may be so enlisted.

That the President advance, from time to time, to the persons so appointed, out of the money in his hands for the recruiting service (if any), such sums as he may think necessary for the aforesaid service; and

That the persons appointed to the service aforesaid respectively shall, when called upon by the President, account with him for the expenditures of all monies by them received for the aforesaid service.

Ordered, That Mr. Conwell deliver the foregoing resolutions to the House of Assembly for their concurrence.

Mr. Conwell, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the account of Robert Crozier against the Delaware State, for services done, amounting to £306.

The same member also delivered a resolution directing the County Lieutenant to account for fines received; and also a resolution requesting the President to write to Congress.

On motion, by order,

The account of Robert Crozier was read, considered, and allowed for the sum of two hundred and four pounds.

On motion, by order,

The resolution directing the County Lieutenant to account for fines received, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., June 21, 1780.

"On motion,

"*Resolved*, That the Lieutenants of the Counties attend the "General Assembly at their meeting in October next without "fail, and render an account of the fines and forfeitures they "have received.

"*Resolved*, That the Clerk furnish each of them speedily with "a copy of the above resolution.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution requesting the President to write to Congress, &c., was read the first time and concurred in, and follows in these words, viz:*

Ordered, That Mr. Cantwell return the foregoing account, allowed by the Council, and the two last mentioned resolutions, with the concurrence of the Council to each respectively, to the House of Assembly.

Mr. Cantwell reported the delivery thereof according to order.

Mr. West, a member of Assembly, attending, was admitted and delivered to the Chair the following laws, engrossed and

* The resolution is not recorded in the minutes.

respectively signed by the Speaker of the House of Assembly, in order to be compared and signed by the Speaker of the Council, viz :

1. The bill for the preservation of public buildings, &c.;

2. The Embargo bill;

3. The bill for payment and discharge of divers receipts, &c.;

4. The Supply bill;

5. The Militia bill;

And also a resolution of the House of Assembly for affixing the Great Seal of this State to the same.

On motion, the several foregoing bills were read, compared, and ordered to be signed by the Speaker; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal to the before mentioned laws was read the first time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, June 21, 1780.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following bills, to wit :

1. "An act for the preservation of buildings erected upon the lands of inhabitants of this State for the use of the United States, and vesting such buildings and lands in the United States during the present war, and to punish persons for waste or trespasses made and committed thereon, and for other purposes therein mentioned;"

2. "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time;"

3. "An act for payment and discharge of divers receipts, notes, or certificates in the hands of inhabitants of this State, issued by Francis Wade, Esq., Deputy Quartermaster General

within this State for the Continental Army, and his agents or assistants, for forage and other articles furnished by them to the said department for the public service;"

4. "An act for procuring an immediate supply of provisions within this State for the Army of the United States of America, and for other purposes therein mentioned;"

5. "An act for embodying a number of the Militia of this State for the purpose of reinforcing the Army of the United States."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing bills, and the resolution for affixing the Great Seal to the same, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. Collins.

Who reported the delivery of the same according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the resolution empowering the President to appoint one or more persons within this State for the recruiting service, with the concurrence of the House of Assembly thereto.

Ordered, That the Speaker sign an order in favor of Derrickson and Hazzard for the sum of one hundred pounds; also that he draw an order in favor of James Adams for £533; in favor of Wilson and Butler for £156 : 5 : 0; and also in favor of Benjamin Crooks for £150 : 0 : 0 and £165 : 0 : 0, and Thomas Black for £100 : 0 : 0.

Whereupon the aforesaid several orders were immediately signed by the Speaker of the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the accounts of their expenses at the present session, and the following allowances were made, to wit:

To John Clowes, for traveling expenses, as per bill, No. 1,	£	72	0 0
To Samuel Patterson, for do. do., No. 2,		90	0 0
To William Conwell, for do. do., No. 3,		85	0 0
To Peter Hyatt, for do. do., No. 4,		15	0 0
To Richard Cantwell, for do. do., No. 5,		39	10 0
To William Polk, for do. do., No. 6,		22	10 0
To Benjamin Vining, Clerk of the Council, as per bill, No. 7,		337	2 6
To Thomas North, barber, as per bill, No. 8,		75	0 0
To French Battell, as per bill, No. 9,		3,142	12 6
	£	3,878	15 0

Ordered, That the Speaker draw orders on the State Treasurer for the payment of the aforesaid sums.

Whereupon the said orders was immediately drawn and signed by the Speaker.

Then the Council adjourned to the 30th day of September next, to meet at the Town of Dover.

MINUTES OF COUNCIL.

OCTOBER, 1780.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, on Friday, October 20th, Anno Domini, 1780, a sufficient number of members to make a quorum not attending, the Council adjourned from day to day till Wednesday, November 1st, 1780.

WEDNESDAY, A. M., November 1st, 1780.

The following members appeared in the Council, viz :

For New Castle County—Samuel Patterson, Richard Cantwell.

For Kent County—Thomas Collins, John Baning.

For Sussex County—William Conwell, William Polk.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Councillor to fill the seat of Peter Hyatt, Esquire, which became vacant on the first day of October last by rotation, being laid on the table, it appears that Thomas McDonough, Esquire, was elected a member of the Council for the said County of New Castle, in the room of the said Peter Hyatt, on the second day of October aforesaid.

Mr. McDonough appeared in the Council.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor to fill the seat of Richard Bassett, Esquire, which became vacant on the first day of Octo-

ber last by rotation, being laid on the table, it appears that John Cook, Esquire, was elected a member of the Council for the said County of Kent, on the second day of October aforesaid, in place of Mr. Bassett.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, being laid on the table, it appears that John Clowes, Esquire, whose seat became vacant on the first day of October last by rotation, was reëlected a member of the Council for the said County of Sussex, on the second day of October aforesaid.

Mr. Clowes appeared in the Council.

The Council then proceeded to the choice of a Speaker, and Thomas Collins, Esquire, was elected.

The Speaker being seated in the Chair, Mr. Benjamin Vining was chosen Clerk of the Council, and Benjamin Crooks Doorkeeper and Sergeant-at-Arms.

Mr. McDonough and Mr. Clowes, the two members chosen at the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took their seats. [*See note on page 10.*]

Mr. Benjamin Vining, Clerk of the Council, appeared in the House, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution, and also took the oath of office. [*See note on page 11.*]

On motion,

Ordered, That Messrs. Patterson and Clowes be a committee to wait on the President and inform him that the Council, having met, are ready to receive any business his Excellency may have to lay before them.

The committee, being returned, reported that they had waited on his Excellency, the President, according to order, and delivered the message committed to them, and that he was pleased, in answer, to say, that he had laid his business before the House of Assembly, and that the same, in its regular course, would come before the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of the House of Assembly, attending, was admitted and presented to the Chair a letter from the President of Congress, addressed to his Excellency, the President, with two acts of that honorable body, of the 12th and 24th August last, for making provision for the officers of the army.

The same member also delivered to the Chair a letter from General Gist to his Excellency, the President, of the 12th September, 1780, together with a letter from Captain James Moore, addressed to Thomas Collins, Esquire, and the resolutions of the House of Assembly respecting the officers of the Delaware Regiment.

On motion, by order, the foregoing letters, and the several papers accompanying the same, were read the first time.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., November 2d, 1780.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, were read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed, and that Mr. Patterson wait on the House of Assembly therewith, and also return the said resolutions and the several acts of Congress of the 12th and 24th August, delivered yesterday.

Mr. Patterson, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

Adjourned till to-morrow morning at 10 o'clock.

Mr. Collings, a member of the House of Assembly, attending, was admitted and delivered to the Chair the resolutions respecting the officers of the Delaware Regiment, with the amendment proposed thereto by the Council acceded to by the House of Assembly; which were read, as amended, and concurred in by the Council, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"TUESDAY, P. M., October 31st, 1780.

"The committee to whom were recommitted the report on the "acts of Congress of the 12th and 24th August, and the letter "from General Gist, reported an essay of the business assigned "them ; whereupon, the same being read and concurred in, it is

"*Resolved*, That an immediate supply of two months pay, in "specie, be advanced by this State to each of the officers of the "Delaware Regiment who were made prisoners in the action of "the 16th of August last and now remain with the enemy, and "also to Capt. James Moore and Lieutenant John Hyatt, of the "said regiment, who are now prisoners on Long Island; and "that one months pay, in specie, be advanced to the other offi- "cers of the said regiment, who have been in the service of the "United States of America in the Southern Department.

"That, in order to procure the said sum, in specie, eighty- "five thousand dollars, in Bills of Credit, emitted by Congress, "be forthwith laid out by Samuel Patterson, Esquire, the State "Treasurer, in the purchase of a sum of money, in specie, for "the purpose aforesaid; and that an order be drawn by the "Speakers of the two Houses of the General Assembly to enable "the said Treasurer to apply so much of the public money for "the use aforesaid; and, as soon as the same specie shall be "obtained, that the State Treasurer pay such part thereof as is "hereinbefore allotted to the officers who have been in the "service of the United States in the Southern army to Captain "William McKennan; or, in case of his death, or inability to "proceed to the army, to such other person as the State Trea- "surer may think proper, who is to be accountable to the Gen- "eral Assembly for the disposition of the said monies; and that "the State Treasurer remit the part allotted to Captain Moore "and Lieutenant Hyatt in such way as he shall deem most safe.

"That the State Treasurer charge the Continental Treasury

No. 1,XXX. P. M. October 3rd, 1910.

"with the said eighty-five thousand dollars as so much advanced "of this State's quota for the United States.

"That the Clothier-General of this State be directed to pur- "chase immediately the necessary clothing and stores for the "officers and soldiers, as well prisoners as others, belonging to "the aforesaid regiment, and have them forwarded, with all "convenient speed, to the said officers and soldiers; and that "an order be drawn on the State Treasurer in favor of the said "Clothier-General for the sum of fifty-five thousand dollars, to "enable him to perform that service; the said Clothier-General "to account with the General Assembly for the expenditure of "the aforesaid sum.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Cantwell return the foregoing resolutions, with the concurrence of the Council thereto, to the House of Assembly.

Who reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned to 10 o'clock to-morrow morning.

FRIDAY, November 3, 1780.

The Council met and adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., November 4th, 1780.

The Council met. Present all the members.

Mr. Cook, a member of the Council for the County of Kent, now appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and then took his seat. [*See note on page 10.*]

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition, signed by sundry inhabitants of Sussex County, with a bill for the relief of divers persons concerned in the late insurrection in that county, founded on the said petition.

The same member also delivered a resolution of the House of Assembly respecting an adjournment; which, by order, was read, and is as follows, to wit:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., November 3, 1780.

"On motion,

"*Resolved*, That it is the intention of this House to adjourn "the present sessions to-morrow evening to a distant day; and "that Mr. Peery wait on the Council with a copy of this resolu- "tion for their information.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The petition from sundry inhabitants of Sussex County, and the bill founded thereon, were severally read the first time.

On motion of Mr. Cook, for leave to bring in a bill for suspending the operation of the tender bills for a limited time, the same was granted, and a bill for that purpose was laid on the table, and, by order, read the first time.

On motion, by order,

The bill for the relief of divers persons concerned in the late insurrection in Sussex County, was read the second time, and was referred to Mr. Speaker, Mr. Clowes, and Mr. Patterson, to report thereon this afternoon.

On motion, by order,

The bill for suspending the operation of the tender bills, was read the second time and referred to Messrs. McDonough, Cook, and Polk, to report thereon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of the House of Assembly, attending, was admitted and delivered to the Chair the President's message to the General Assembly, of the 25th ultimo, inclosing three circular letters from the President of Congress, an act of Congress, of the 25th August, for ascertaining the rank of Governors; one of the 6th September last, for facilitating the final ratification of the Articles of Confederation, and one of the 20th September, containing a new arrangement of the army, together with an act of the Legislature of New York, and some proceedings of the respective Legislatures of the States of Maryland and Virginia relative to the Articles of Confederation.

The same member also presented to the Chair a message from the President to the General Assembly of the 28th October, inclosing an act of Congress of the 10th of the same month, respecting such unappropriated lands as may be ceded or relinquished to the United States by any particular State.

On motion, by order,

The President's message of the 25th ultimo, and its inclosures, were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"Divers acts of Congress, accompanied with circular letters, "from the President of that honorable body, and other papers "relative thereto, have been transmitted to me since the close of "the last session. These papers, from their nature and impor- "tance to the welfare of the State indispensably claiming the "attention of the Legislature, I have directed the Secretary to "lay before your Honors for your consideration, to wit: One "of the 6th ultimo, recommending measures to be adopted by "the several States for facilitating the completion and final rati- "fication of the Articles of Confederation, with an act of the "Legislature of the State of New York, and proceedings of the "respective Legislatures of the States of Maryland and Virginia "relative to that subject; two acts of the 12th and 24th of August "last, making further provision for the officers and soldiers of "the Continental Army, with recommendations to the several "States; one, of the 25th of the same month, ascertaining the "rank of Governors or Presidents of the several States when "they may act in the field together, or in conjunction with the "Continental Army; one, of the 26th, earnestly recommending "to the several States to take the most speedy and effectual "means in their power for drawing in their respective quotas of "the Continental Bills of Credit, to be destroyed by taxes, or "exchanging for them new bills, pursuant to the resolution of "the 18th of March last, that the whole of the new bills may be "issued; also recommending to the several States to raise by "taxes, payable in the new bills above mentioned, or specie, "their respective quotas of three millions of dollars, agreeable "to the apportionment of the 7th of October, 1779, and pay "the same into the Treasury of the United States as soon as "possible, the payment to be duly completed by the last day of "December next; one, of the 20th of September last, containing "a new arrangement of the army; one, of the 29th of the same "month, recommending to the States respectively to supply their "Delegates with money for their support by other means than "drawing on the Treasury of the United States, except only in "such cases as may render that mode indispensably necessary; "and a proclamation of the 18th instant, recommending Thurs- "day, the 7th of December next, to be observed as a day of "Thanksgiving and Prayer.

"I have also directed the Secretary to lay before your Honors

"a letter, dated at the camp at Hillsborough on the 12th ultimo, "addressed to me from Brigadier-General Gist, requesting a "supply of clothing and stores for the troops of this State in the "Southern army, and also money and necessaries to render com- "fortable the situation of such of our troops as were lately cap- "tivated and are now prisoners with the enemy.

"Dover, October 25, 1780. CÆSAR RODNEY."

On motion, by order, the President's message of the 28th ultimo, and the act of Congress inclosed therein, were severally read, and the said message follows in these words, to wit:

"*Gentlemen of the General Assembly:*

"I have just received from the President of Congress an act "of that honorable body, dated the 10th instant, respecting such "unappropriated lands as may be ceded or relinquished to the "United States by any particular State pursuant to the recom- "mendation of the 6th of September last, which I have directed "the Secretary to lay before your Honors.

"Dover, October 28, 1780. CÆSAR RODNEY."

The committee to whom was referred the bill for the relief of divers persons concerned in the late insurrection in Sussex County, now reported an amendment to the same; which, by order, was read and agreed to.

Ordered, That the same be transcribed, and that Mr. McDonough wait on the House of Assembly therewith for their concurrence, and that he return the petition from the inhabitants of Sussex County and the foregoing bill.

Mr. McDonough, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

The committee to whom the bill for suspending the operation of the tender bills for a limited time was referred, rejected the said bill and delivered a new bill, in lieu thereof, at the table; which, by order, was read the first time.

By special order, the same was read the second time.

The said bill was read a third time, by paragraphs, and passed the Council.

Ordered, That the said bill be transcribed and sent to the House of Assembly, for concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for the relief of persons concerned in the late insurrection in Sussex County, with a paper of amendments proposed by the House of Assembly to the amendments proposed by the Council to the said bill.

The same member also delivered the resolutions of the House of Assembly for facilitating the completion of the Delaware Regiment; and presented to the Chair an account of Capt. William McKennan, amounting to four thousand two hundred dollars, for the traveling expenses of himself, a sergeant and one soldier, from camp at Hillsborough to this State on the public service, with a resolution of that House for the payment of the said sum of 4,200 dollars to Captain McKennan.

The same member also delivered the resolutions of the House of Assembly for the protection of the trade of the Delaware bay and river.

The said member also delivered a proclamation of Congress of the 18th October, respecting the appointment of Thursday, the 7th day of December next, to be observed as a day of Thanksgiving and Prayer, with a resolution of that House for the said purpose.

The amendments proposed by the House of Assembly to the amendments proposed by the Council to the bill for the relief of divers persons concerned in the late insurrection in Sussex County, were read, considered and agreed to.

Ordered, That Mr. Conwell return the said amendments of the House of Assembly, agreed to by the Council, together with the bill.

Who, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

On motion, by order,

The resolutions of the House of Assembly for facilitating the completion of the Delaware Regiment, were read the first time.

By special order, the same were read a second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., November 4, 1780.

"The House, taking into consideration the report of the committee respecting the filling up of the Delaware Regiment,

"*Resolved*, That, in addition to the resolves of the late General Assembly made on the 21st of June last, the President or Commander-in-Chief be requested to issue his orders to such of the officers of the said regiment as now are or shortly may be returned into this State, and not assigned to particular duty, to proceed in the enlisting of able-bodied men into the said regiment, to serve during the war, upon the terms prescribed in the resolves aforesaid; and that the President recommend to such officers respectively a strict attention to this duty, as also to the searching after and apprehending any deserters that may be within the State.

"*Resolved also*, That the President or Commander-in-Chief be and he is hereby authorized and empowered to draw orders on the State Treasurer for a sum or sums, not exceeding forty thousand dollars, as a further supply for the service aforesaid.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

Capt. William McKennan's account, and the resolution for the payment of 4,200 dollars to Capt. McKennan, were read the first time.

By special order, the same were read a second time, the said account was allowed, and the said resolution concurred in, and is in these words, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., November 4, 1780.

"An account from William McKennan, a captain in the Dela-

"ware Regiment, amounting to four thousand two hundred dol-"lars, for the traveling expenses of himself, a sergeant and one "soldier, from camp at Hillsborough to this State, on the public "service, was presented to the Chair, and, being read and con-"sidered, was allowed.

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer for the said sum of four thousand two "hundred dollars in favor of the said Capt. William McKennan.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions for the protection of the trade of the Delaware bay and river were read the first time.

By special order, the same were read a second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., November 4, 1780.

"WHEREAS the trade of this State on the Delaware bay and "river hath been and still is interrupted and impeded by armed "boats and cruisers from New York and elsewhere; for preven-"tion whereof

"*Resolved*, That the President or Commander-in-Chief be and "he is hereby authorized to contract for and fit out an armed "vessel, not exceeding sixty tons in burthen, with such armed "boat or boats as he shall judge necessary to be with and attend "such vessel, and appoint and commission proper persons as "officers of the same vessels, assigning the number of the crew "and fixing their pay per day, over and above the benefit of all "prizes by them taken and prosecuted to condemnation in the "Court of Admiralty of this State.

"*Resolved*, That the expenses which may be incurred by the "carrying the foregoing resolve into execution shall be borne "and paid by this State.

"And to the end that an immediate supply of money may be "obtained for the purpose aforesaid,

"*Resolved*, That a sum not exceeding one hundred thousand "dollars be borrowed upon the credit of the State, and that the "President sign certificates to the person or persons lending the "same, in the following form, to wit:

"The Delaware State acknowledges the receipt of ———— "dollars from ——— ———, for the payment whereof to the "said ——— ———, his executors, administrators, or assigns, "according to their value now settled at the rate of seventy-five "for one in specie, on or before the twenty-fifth day of October "next, with interest at the rate of six per cent. per annum, the "faith of the said State is hereby pledged according to the tenor "of certain resolves of the General Assembly made at Dover "the 4th day of November, 1780. Witness my hand the ——— "day of ———, Anno Domini, 1780.

"*And whereas* the trade and commerce of the neighbouring "States of Pennsylvania and New Jersey is affected and injured "by the depredations made by such armed boats and cruisers,

"*Resolved*, That it be recommended to the President or Com- "mander-in-Chief of this State that he apply, by way of letters, "to the executive authority of the neighbouring States aforesaid "for their aid and assistance in the protection of the general trade "of the bay and river aforesaid by sending one or more armed "vessels on this service.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for the appointment of a day of Thanksgiving and Prayer was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, A. M., November 4, 1780.

"WHEREAS Congress, by their proclamation dated the 18th "day of October last, have recommended to the several States "to set apart Thursday, the seventh day of December next, to

"be observed as a day of public Thanksgiving and Prayer; "therefore

"*Resolved*, That Thursday, the seventh day of December "aforesaid, be set apart throughout this State as a day of pub- "lic Thanksgiving and Prayer to Almighty God for the pur- "poses in the above-recited proclamation of Congress, and that "his Excellency, the President, be requested to publish the same "by proclamation.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the four last mentioned resolutions, with the concurrence of the Council respectively thereto, Captain McKennan's account, the proclamation of Congress, and the several messages from the President, with their inclosures, be returned to the House of Assembly by Mr. Cook.

Mr. Cook, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

Doctor Clayton, a member from the House of Assembly, attending, was admitted and returned to the Chair the bill to suspend, for a limited time, the operation of the several acts of Assembly of this State for making the Bills of Credit of the United States and of this State a legal tender in the payment of debts equal to gold and silver, with a paper of amendments proposed thereto by the House of Assembly; which were taken into consideration and acceded to.

Ordered that the said bill be engrossed.

The said bill being engrossed, was, by order, read and compared.

Ordered, That the same be sent to the House of Assembly by Mr. McDonough.

Mr. McDonough, being returned, reported the delivery thereof according to order.

Mr. Young, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the relief of divers persons concerned in the late insurrection in Sussex County, and also the bill to suspend, for a limited time, the operation of the several

acts of Assembly of this State for making the Bills of Credit of the United States and of this State a legal tender in the payment of debts equal to gold and silver, respectively signed by the Speaker of the House of Assembly, with a resolution of that House for affixing the Great Seal thereto.

The same member also delivered a resolution respecting an adjournment.

Ordered, That the two foregoing bills be signed by the Speaker of the Council; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal thereto was read and concurred in, and follows in these words, to wit:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., November 4, 1780.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following bills, to wit:

1. "An act for the relief of divers persons concerned in the late insurrection in Sussex County;"

2. "An act to suspend, for a limited time, the operation of the several acts of Assembly of this State for making the Bills of Credit of the United States and of this State a legal tender in the payment of debts equal to gold and silver."

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution respecting an adjournment was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., November 4, 1780.

"On motion,

"*Resolved*, That the General Assembly of this State will meet "at the Town of New Castle on the day to which the present

"sessions may be adjourned, and there sit to transact the public "business.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair the accounts of Capt. McKennan, Henry Nash, and Benjamin Crooks, for services done; which, by order, were read, considered and allowed, except as to the account of Capt. McKennan, which the Council rejected.

Ordered, That the bills and resolutions before mentioned, respectively signed by the Speaker of the Council, and the foregoing accounts, be returned, by Mr. Conwell, to the House of Assembly.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the same according to order.

Adjourned to 8 o'clock to-morrow morning.

SUNDAY, A. M., November 5th, 1780.

The Council met. Present all the members.

Mr. Duff, a member of the House of Assembly, attending, was admitted, and delivered to the Chair the following notification of their adjournment, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, P. M., November 4, 1780.

"On motion,

"*Resolved*, That this House will, at the time of the adjourn-"ment of the present sessions, adjourn the same to Thursday, "the fourth day of January next.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Which, by order, was read.

The Council took into consideration and allowed the following accounts, brought in for the service of the State at this present sitting, to wit:

To French Battell, for the expenses of the members of the Council,	£3,111	15	6
To John Clowes, Esq., for his traveling expenses,	60	0	0
To William Conwell, Esq., for ditto,	60	0	0
To William Polk, Esq., for ditto,	30	0	0
To Thomas McDonough, Esq., for ditto,	41	5	0
To Samuel Patterson, Esq., for ditto,	80	7	0
To Richard Cantwell, Esq., for ditto,	18	15	0
To Benjamin Vining, Esq., Clerk of the Council,	311	5	0
To Thomas North, barber,	69	0	0
	£3,782	7	6

Ordered, That orders be drawn, and signed by the Speaker, on the State Treasurer for the payment of the said sum.

Whereupon orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to Thursday, the fourth day of January next, to meet at the Town of New Castle.

MINUTES OF COUNCIL.

JANUARY, 1781.

MINUTES OF COUNCIL

JANUARY 17th

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1781.

At a meeting of the Council at the Town of New Castle, by adjournment, on Thursday, the fourth day of January, Anno Domini, 1781, a quorum of the members to form a House not attending, the Council adjourned from day to day till Saturday, the 13th instant.

SATURDAY, P. M., January 13th, 1781.

The following members attended, viz:

For New Castle County—Samuel Patterson, Richard Cantwell.

For Kent County—Thomas Collins.

For Sussex County—John Clowes, William Polk.

Ordered, That Mr. Patterson and Mr. Clowes be a committee to wait on his Excellency, the President, and acquaint him that the Council, having met, are ready to receive any business he may have to lay before them.

Adjourned till 12 o'clock on Monday.

NOTES AND PROCEEDINGS

of the

COUNCIL OF THE DELAWARE STATE

MONDAY, January 15th, 1781.

The Council met and adjourned to 10 o'clock to-morrow.

TUESDAY, P. M., January 16th, 1781.

The Council met. Present all the members, except Messrs. Baning, Polk, and Cook.

The committee appointed on Saturday last to wait on the President, now reported that they had waited on him, according to order, and delivered the message committed to them; when his Excellency was pleased, in answer, to say, that he had laid his papers before the House of Assembly, which, in course, would come before the Council; and at the same time expressed his wish that the General Assembly would give the important business now before them all possible dispatch.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message, of the 13th instant, addressed from the House of Assembly to his Excellency, the President, with his Excellency's message, in answer thereto, inclosing a return of the Receiver of Supplies for Sussex County, and also a resolution of the House of Assembly respecting the supplies.

The same member also delivered a resolution of the House of Assembly for the appointment of a committee to adjust the State Treasurer's accounts.

On motion, by order,

The foregoing message from the House of Assembly to his Excellency, the President, was read, and is as follows, to wit:

"A MESSAGE FROM THE HOUSE OF ASSEMBLY TO HIS EXCEL-
"LENCY, CÆSAR RODNEY, ESQUIRE, PRESIDENT AND COM-
"MANDER-IN-CHIEF OF THE DELAWARE STATE.

"*Sir*—The House of Assembly request you to inform them

"what quantities of the supplies in kind ordered to be raised in "this State within the last year have been collected in each of "the Counties of this State, and what the several species of those "supplies are, and also what quantities of those supplies, and "what several species of them, have been delivered by the "Receiver in each County for the supply of the troops of the "United States, or any of them, as by the act for furnishing "supplies within this State for the Army of the United States "for the ensuing campaign, passed at Lewes-town, the 15th of "April last; and also by the act for procuring an immediate "supply of provisions within this State for the Army of the "United States of America, and for other purposes therein men-"tioned, passed at Dover, the 21st June, 1780, is provided.

"Signed by order of the House of Assembly,

"NICHOLAS VANDYKE, *Speaker*.

"New Castle, 13th January, 1781.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

On motion, by order,

The President's message, in answer to the above, and its inclosures, were severally read, and the said message is as follows, viz:

"*Gentlemen of the Assembly:*

"In answer to your message of the 13th instant, I beg leave "to acquaint your Honors that the Receivers have sent me no "returns since their several appointments, except one from the "Receiver of Sussex County, which will be laid before you here-"with, tho' strictly enjoined to it by my instructions, as well as "by the acts of Assembly referred to, and therefore it is not in "my power to give the House that information they wish to "have relative to the collection and delivery of supplies. I be-"lieve they have collected considerable quantities, but have been "much interrupted in the transportation thereof from the Coun-"ties of Kent and Sussex by the refugee armed boats. The "Receiver for New Castle County informs me that for some time "past he has not been able to carry on his business for want of a "supply of money.

"CÆSAR RODNEY.

"New Castle, January 15th, 1781."

On motion, by order,

The resolution of the House of Assembly respecting the supplies, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, January 15, 1781.

"It appearing to the House, by his Excellency, the President's answer to their message of the 13th instant respecting "the supplies directed to be raised and obtained in this State for "the use of the Federal Army, that no returns have been made "to him by the Receivers of Supplies in either of the Counties "of New Castle or Kent, and no return from the Receiver of the "County of Sussex since the 20th of September last,

"*Resolved*, That the President be requested forthwith to call "upon those several Receivers for returns of the quantities of "supplies raised or purchased within this State in the last year, "specifying the places where the same shall be deposited ; and "also returns of the quantities of those supplies by them respectively delivered for the use of the troops of the United States, "or any of them ; and that the most speedy and effectual measures be taken for the delivery or transportation of the residue "of those supplies for the use of the Federal Army.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for the appointment of a committee to adjust the State Treasurer's account was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., January 13, 1781.

"On motion,

"*Resolved*, That Mr. Latimer, Mr. Kollock, and Mr. Barratt "be a committee, on the part of this House, to join with a com-

"mittee to be appointed by the Council, to settle and adjust the "State Treasurer's accounts, and to make report thereof forth-"with.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

And thereupon the Council do appoint Mr. Clowes and Mr. McDonough to be a committee to join with the committee of the House of Assembly for the purpose above mentioned.

Ordered, That Mr. McDonough return the foregoing messages and resolutions, with the concurrence of the Council thereto respectively, to the House of Assembly.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 17th, 1781.

The Council met. Some of the members being on a committee, the Council adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., January 18th, 1781.

The Council met. Present all the members, except Messrs. Polk and Cook.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned to 10 o'clock to-morrow.

FRIDAY, A. M., January 19th, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to join with the committee of the House of Assembly to adjust the accounts of the State Treasurer, being still engaged in that business, the Council adjourned to 10 o'clock to-morrow.

SATURDAY, January 20th, 1781.

The Council met and adjourned to Monday morning.

MONDAY, A. M., January 22d, 1781.

The Council met, and having no business laid before them by the House of Assembly, adjourned from day to day until Saturday, the 27th instant.

SATURDAY, A. M., January 27th, 1781.

The Council met. Present all the members, except Mr. Cook.

Mr. McDonough now reported the delivery of the papers committed to him on Tuesday, the 16th instant, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Houston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee of Public Accounts.

Mr. Collings, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition from Paul Quenoault, a lieutenant in the Delaware Regiment, with a resolution of the House of Assembly for the payment of four thousand dollars to the said Paul Quenoault.

On motion, by order,

The resolution for the appointment of a Committee of Public Accounts was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., January 25, 1781.

"On motion,

"*Resolved*, That Mr. Clayton, Mr. Kollock, and Mr. White "be a Committee of Public Accounts, on the part of this House, "and that a copy of this resolution be sent to the Council, pro- "posing the appointment of a committee of their body to join "with the committee aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

And thereupon the Council have appointed Mr. McDonough and Mr. Polk to be a committee on their part to join with the committee of the House of Assembly for the purpose aforesaid.

On motion, by order,

The petition of Lieutenant Paul Quenoault, and the resolution founded thereon, were severally read the first time.

By special order, the same were read a second time, and the following amendment was proposed to the said resolution, viz: To insert the word [six] before the word [thousand], instead of the word [four]; which was agreed to, and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the resolution for the appointment of a Committee of Public Accounts, with the concurrence and appointment of the Council thereto; and also return the foregoing petition and resolution, with the transcribed amendment thereto.

Adjourned to Monday morning at 10 o'clock.

MONDAY, P. M., January 29th, 1781.

The Council met. Present the same members as on Saturday, except Mr. Patterson and Mr. McDonough.

Mr. Conwell reported the delivery of the several papers committed to his charge, according to the order of Saturday.

Mr. Cook, who had been absent, now appeared, and in his place made his excuse for his non-attendance; which was admitted.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, A. M., January 30th, 1781.

The Council met. Present all the members, except Mr. Patterson.

Mr. Stout, a member of the House of Assembly, attending, was admitted and delivered to the Chair the resolution for the payment of four thousand dollars to Lieut. Quenoault, with the

amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing resolution was read and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., January 29, 1781.

"By special order, the petition from Lieutenant Paul Queno-"ault, of the Delaware Regiment, was read the second time; and "thereupon

"*Resolved*, That the Speakers of both Houses of the General "Assembly draw an order on the State Treasurer in favor of the "said Paul Quenoault for the sum of six thousand dollars, for "which he is to be accountable.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That Mr. Baning return the same resolution, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Baning reported the delivery thereof according to order.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 31st, 1781.

The Council met and adjourned till to-morrow.

THURSDAY, February 1st, 1781.

The Council met. Present all the members.

There being no business before the Council from the House of Assembly, the Council adjourned from day to day until Saturday, the 3d instant.

SATURDAY, February 3d, 1781.

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of the House of Assembly, attending, was admitted and delivered to the Chair an act of Congress, of the 20th March last, for repealing the tender law, and two other acts of that honorable body, of the 18th of the same month, on the subject of Finance, together with a bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes.

On motion, by order, the foregoing acts of Congress, and the said bill, were severally read the first time.

Adjourned till 10 o'clock on Monday next.

MONDAY, A. M., February 5th, 1781.

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes," was read the second time and deferred for consideration.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., February 6th, 1781.

The Council met. Present the same members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Speaker laid before the Council a letter of the 3d instant, addressed from Mr. McKean (one of the Delegates for this State in Congress) to the Speaker of the Council; which, by order, was read, and ordered to be delivered by the Speaker to the Speaker of the House of Assembly, for their perusal and consideration.

The Council now resumed the consideration of the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills

of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes," and after some time spent therein the same was deferred till to-morrow.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., February 7th, 1781.

The Council met. Present all the members.

The consideration of the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," was now resumed again, and sundry amendments were proposed, agreed to and ordered to be transcribed.

Ordered, That Mr. Cantwell wait on the House of Assembly with the said transcribed amendments, for their consideration and concurrence, and also return the said bill.

Mr. Cantwell reported that he had waited on the House of Assembly with the said papers according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., February 8th, 1781.

The Council met. Present all the members.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to recruit the Regiment of this State now in the service of the

United States," together with two circular letters from the President of Congress, of the 6th and 26th October, 1780, inclosing two acts of Congress relative to the arrangement of the army, and the report of the House of Assembly thereon.

On motion, by order, the foregoing bill, and the papers accompanying the same, were severally read the first time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "An act to recruit the Regiment of this State now in the service of the United States," was read the second time and referred to a committee of three, to report thereon to-morrow morning.

The members chosen: Mr. Clowes, Mr. McDonough, and Mr. Cook.

On motion of Mr. McDonough, for leave to bring in a bill for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, the same was granted; whereupon a bill was laid on the table, and

On motion, by order, the same was read the first time.

Adjourned to 10 o'clock to-morrow.

FRIDAY, A. M., February 9th, 1781.

The Council met. Present all the members.

The committee to whom was referred the bill entitled "An act to recruit the Regiment of this State now in the service of the United States," now reported as their opinion that the same may pass.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year; and also persons to supply the place of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, in the room of John Jones, Esquire, deceased, and the place of fourth Justice of the said Court, in the County of Sussex, in the room of Isaac Smith, Esquire, deceased.

The same member also delivered to the Chair an account of William Peery, Esquire, against the State, amounting to five thousand three hundred and forty-four dollars, with the report of the committee of the House of Assembly thereon.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year, &c., was read the first time.

On motion, by order,

The account of William Peery, Esquire, against the State, for five thousand three hundred and forty-four dollars, and the report of the committee of the House of Assembly thereon, were severally read the first time, and the said account was rejected by the Council.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates to Congress, &c., was read the second time, and an amendment was proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The bill entitled "An act to recruit the Regiment of this State now in the service of the United States," was read a third time, by paragraphs, and passed the Council.

Ordered, That the foregoing bill, with the several papers accompanying the same; the proposition from the House of Assembly for the nomination of Delegates from this State to Congress, &c., and the transcribed amendment thereto; and William Peery's

account, as rejected by the Council, with the report of the committee of the House of Assembly thereon, be returned to the House of Assembly by Mr. Cook.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Cook now reported the delivery of the papers committed to him according to order.

Mr. Bassett, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for stating the accounts of the several Loan Offices and of Commissioners into whose hands any public monies have come by virtue of laws passed under the former Government, and for repealing part of an act entitled 'An act for the appointment of' Trustees of the General Loan Offices in the respective Counties of this State.'"

The same member also delivered to the Chair the proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates to Congress, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing bill was read the first time.

On motion, by order, the foregoing proposition, as amended, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., February 8th, 1781.

"On motion,

"*Ordered*, That Mr. Duff wait on the Council and propose to "them that both Houses of the General Assembly meet in the "State House, to-morrow evening, at three o'clock, for the pur-

"pose of nominating persons to be balloted for as Delegates from "this State to Congress for the ensuing year; and also persons "to supply the place of Chief Justice of the Court of Common "Pleas and Orphans' Court for the County of New Castle, in the "room of John Jones, Esquire, deceased, and the place of fourth "Justice of the said Courts in the County of Sussex, in the room "of Isaac Smith, Esquire, deceased.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That Mr. Conwell return the same to the House of Assembly, with the concurrence of the Council thereto.

Who, being returned, reported the delivery according to order.

On motion, by order,

The bill entitled "An act for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, was read the second time.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a verbal information that the House of Assembly are now ready to receive the Council, in the State House, for the purpose of putting into nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year; a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, agreeable to their proposition of yesterday.

Then the Council proceeded to the State House and there met the House of Assembly for the purpose above mentioned.

Ordered, That Mr. Patterson, Mr. Latimer, and Mr. Kollock be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly, having now met in the State House to put in nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year, a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, request his attendance, if he thinks proper.

The committee, being returned, reported that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, when he was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended in the General Assembly, and proceeded with the members to put in nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year, and to fill the vacancies in the Courts of Common Pleas and Orphans' Courts in the Counties of New Castle and Sussex; whose names were taken down for the consideration of the members of both Houses.

On motion,

Resolved, That the two Houses now separate, and meet again, in the State House, at 10 o'clock to-morrow morning, to ballot for persons to supply the above mentioned vacancies out of the persons now put in nomination.

Then the Council withdrew.

On motion,

Resolved, That the following verbal message be sent from the Council to the House of Assembly, viz:

Gentlemen:

The Council desire to see the several messages presented to the General Assembly this session by the President, in order that they may be able to judge of the business necessary to be done.

Mr. McDonough is appointed to deliver the above message; who, being returned, reported the delivery according to order.

On motion, by order,

The bill for ascertaining the per diem wages of the members of the General Assembly, was read the third time, by paragraphs, and agreed to by the Council.

Ordered, That Mr. Polk deliver the same to the House of Assembly for their consideration.

Mr. Molleston, a member of Assembly, was admitted and de-

livered to the Chair the several messages presented this session by the President, dated the 12th and 25th January, and the 1st and 7th of this instant, with the papers therein referred to, agreeable to the request of the Council contained in their verbal message of this forenoon.

The same member also delivered a petition to the General Assembly in behalf of Charles Gordon, praying permission to return from New York to this State, accompanied with a letter from Jos. Nicholson respecting Mr. Gordon.

The same member also delivered to the Chair the several papers and proceedings of the Court of Admiralty of the State of New Jersey, respecting the removal of a vessel called the General Clinton, from Mispillion Creek, in this State, into New Jersey, by James Pollock and others.

The same member also delivered to the Chair a petition from John Lewden, praying leave to bring in a bill to alter the last course of the road leading from New Castle to Christiana village, with a bill for that purpose entitled "A further supplementary act to the act entitled 'An act for the better regulation of the roads in New Castle County.'

The same member also delivered a resolution of the House of Assembly respecting an adjournment of the present sessions to Monday, the 19th day of March next.

Adjourned till 9 o'clock to-morrow morning.

SATURDAY, A. M., February 10th, 1781.

The Council met. Present all the members.

Mr. Polk now reported the delivery of the bill for ascertaining the per diem wages of the members of the General Assembly, &c., to the House of Assembly, according to the order of yesterday.

Mr. Houston, a member of Assembly, was admitted and de-

livered to the Chair a bill for protecting the trade of the Delaware bay and river; and informed the Council that the House of Assembly are ready to receive them in the State House for the purpose of balloting for persons as Delegates from this State to Congress for the ensuing year; and also for a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts for the County of Sussex, agreeable to the order of the day.

Then the Council, agreeable to the order of the day, met the House of Assembly, in the State House, to ballot for persons to supply the above mentioned places out of the persons before put in nomination.

Then the General Assembly proceeded to ballot for persons as Delegates from this State to Congress for the ensuing year, and the ballots being examined it appeared that Thomas Rodney, Thomas McKean, and Nicholas Vandyke, Esquires, were declared duly elected.

On motion,

Ordered, That Mr. McDonough, Mr. Duff, and Mr. Peery be a committee to wait on his Excellency, the President, and inform him that the General Assembly have met in the State House for the purpose of electing persons to supply the place of a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and of a fourth Justice of the said Courts for the County of Sussex, and request his attendance at such election, if he thinks proper.

The committee, being returned, reported that they had waited on the President with the message committed to them according to order, when his Excellency was pleased, in answer, to say that he would attend the General Assembly immediately.

The President attended, and proceeded with the General Assembly to ballot for persons to supply the said vacancies in the Courts of Common Pleas and Orphans' Court in the Counties of New Castle and Sussex.

Previous to the said balloting, on motion of Mr. Read,

Resolved, That the place of Chief Justice for the County of New Castle be supplied by the second Justice of the said Courts,

and that the second, third and fourth Justices of the same Courts rise in the same progressive order, the one supplying the vacancy occasioned by the removal of the other;

Whereupon, the box containing the ballots being examined, it appeared that James Latimer, Esq., the present second Justice of the said Courts, was declared duly elected Chief Justice thereof; and John Thompson, Abraham Robinson, and Richard Cantwell Esquires, were declared duly elected second, third, and fourth Justices of the same Courts for the County of New Castle; and it also appeared that John Clowes, Esq., was declared duly elected the fourth Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex.

Then the President withdrew, and the two Houses separated.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for protecting the trade of the Delaware bay and river, was read the first time.

By special order, the same was read a second time and referred to a committee of three, to report thereon forthwith.

The members chosen: Mr. Patterson, Mr. Cook, and Mr. Clowes.

On motion, by order,

The several messages presented this session by the President to the General Assembly, were now read the first time.

On motion, by order,

The petition in behalf of Charles Gordon, and the letter from Joseph Nicholson, respecting Mr. Gordon, were severally read the first time.

Ordered, That Mr. Polk return to the House of Assembly the several messages from the President to the General Assembly, presented this session, and the several papers relative thereto, except Mr. Nicholson's letter and the petition in behalf of Charles Gordon, and that he deliver the following verbal message from the Council, viz :

Gentlemen :

The Council, from the want of time and a variety of business now before them, return the several messages presented to the General Assembly by the President, together with the several papers relative thereto, except a letter from Mr. Nicholson and the petition in behalf of Charles Gordon.

The committee to whom was referred the bill for protecting the trade of the Delaware bay and river, now reported as their opinion that the same may pass.

Whereupon the same was read the third time, by paragraphs, and will pass.

Ordered also, That Mr. Polk return the said bill to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

Mr. Young, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly to draw an order on the State Treasurer in favor of William Millan for the sum of fifteen thousand dollars, together with another resolution to draw an order on the State Treasurer in favor of the said William Millan for the sum of twenty thousand dollars.

On motion, by order,

The petition of John Lewden, and the bill founded thereon, were read the first time.

By special order, the same were read a second time and referred to a committee of three, to view the premises, and report their proceedings thereon at their next meeting.

The members chosen : Mr. McDonough, Mr. Patterson, and Mr. Cantwell.

On motion, by order,

The resolution of the House of Assembly empowering the the Speakers of the two Houses of the General Assembly to draw an order on the State Treasurer in favor of William Millan for fifteen thousand dollars, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 10, 1781.

"On motion,

"*Resolved*, That the Speakers of the two Houses of the Gen-
"eral Assembly draw an order on the State Treasurer in favor
"of William Millan, Receiver of Supplies for New Castle County,
"for the sum of fifteen thousand dollars, the said William Millan
"to account with the General Assembly for the same.

"Extract from the minutes. For JAS. BOOTH, *Cl'k.*

"Sent for concurrence. WILLIAM PEERY.

On motion, by order,

The resolution empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of the same William Millan for the sum of twenty thousand dollars, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 10th, 1781.

"On motion,

"*Resolved*, That the Speakers of the two Houses of the Gen-
"eral Assembly draw an order on the State Treasurer in favor of
"William Millan, Receiver of Supplies for New Castle County,
"for the sum of twenty thousand dollars, to enable him to pro-
"cure barrels for flour now on hand; the sum thus drawn for to
"be replaced in the Treasury by New Castle County, if not al-
"ready provided for by an extra supply of provisions by the said

"county, and the said William Millan to account for the expen-
"diture thereof with the General Assembly.

"Extract from the minutes. For JAS. BOOTH, *Cl'k.*

"Sent for concurrence. WILLIAM PEERY."

Adjourned till next Monday morning at 10 o'clock.

MONDAY, A. M., February 12th, 1781.

The Council met. Present all the members, except Messrs. McDonough and Baning.

Ordered, That Mr. Conwell return to the House of Assembly the two resolutions empowering the Speakers of the two Houses to draw orders on the State Treasurer in favor of William Millan for the respective sums of fifteen thousand and twenty thousand dollars, with the concurrence of the Council severally thereto.

On motion,

Resolved, That the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of Isaac Carty, Receiver of Supplies for Kent County, for the sum of ten thousand dollars, to enable him to procure barrels for flour now on hand; the sum thus drawn for to be replaced in the Treasury by Kent County, if not already provided for by an extra supply of provisions by the said county, and the said Isaac Carty to account for the expenditure thereof with the General Assembly.

Ordered, That the same be transcribed and sent, with the two foregoing resolutions, to the House of Assembly for their consideration and concurrence, by Mr. Conwell.

Who, being returned, reported the delivery of the said papers according to order.

On motion, by order,

The bill for stating the accounts of the several Loan Offices

was read the second time and referred to Messrs. Clowes, Cantwell, and Cook, to report thereon.

The committee to whom the foregoing bill was referred, now reported some amendments thereto; which were read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson return the foregoing bill, with the transcribed amendments, to the House of Assembly for concurrence.

Mr. Patterson reported the delivery thereof according to order.

The Council now put in nomination persons for a Privy Councellor, in the room of Eleazar McComb, Esquire, whose seat is become vacant by rotation, when several persons were named for consideration, to be balloted for in the afternoon.

Adjourned till 4 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and proceeded, agreeable to the order of the day, to ballot for a Privy Councillor, in the room of Eleazar McComb, Esq., out of the persons before put in nomination, and it appeared, upon examining the ballots, that Isaac Griffith was declared duly elected.

Mr. Young, a member of Assembly, was admitted and returned to the Chair the bill for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, and for other purposes therein mentioned, with the following resolution of the House of Assembly thereon, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., Feb. 12, 1781.

"On motion for a second reading of the bill entitled 'An act "for ascertaining the per diem wages of the members of the "General Assembly of the Delaware State, and for other pur- "poses therein mentioned,'

"*Resolved*, That the same, being a money bill for the support "of Government, ought to have originated in the House of As- "sembly, agreeable to the sixth section of the Constitution of "this State, and that House cannot proceed upon the bill afore- "said.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

The same member also delivered to the Chair a bill in lieu of the preceding, entitled "An act for ascertaining the allowance to members of the General Assembly, and for other purposes."

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time.

The same was read a third time, by paragraphs, and will pass.

Ordered, That the foregoing bill be returned to the House of Assembly, agreed to by the Council, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House for accelerating the collection of the public taxes, and a resolution for stating public accounts.

The same member also delivered to the Chair a resolution respecting the payment of certificates, &c.

The same member also delivered to the Chair a resolution respecting supplies to be purchased in the respective Counties of this State, and also a resolution directing the mode of payment in the Treasury.

On motion, by order, the foregoing resolutions were severally read the first time.

By special order, the resolution for accelerating the collection of the public taxes, was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

"On motion,

"*Resolved*, That the President be requested to order the Attorney General to commence suits immediately on the bonds "of such Treasurers as have not performed the duties required "of them respectively by law, and also, upon the second day of "April next, to commence suits on the bonds of such Collectors "as shall not by that day have collected their respective quotas "of the public taxes now due and paid the same to the Treasurer "of their County; and that copies of this resolve be forthwith "transmitted to the President or Commander-in-Chief and the "respective Treasurers within this State, and that the County "Treasurers respectively, as soon as may be after the receipt of "such copies, make out and transmit duplicate copies to each "Collector of his County.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for stating public accounts was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

"*Resolved*, That William Peery, Esq., be and hereby is appointed to settle and state all the accounts between this State "and the United States, and that for effectually executing this "resolution he be empowered to call for books and papers relating to the said accounts which have come to the hands of any "person or persons in public office; that he make his report to "the General Assembly as soon as may be, returning therewith "as many original vouchers as can be procured, and where such "cannot be procured, returning authentic copies, or other the "best documents that can be obtained, indorsing and arranging "them in regular order.

"That the said William Peery be allowed one hundred pounds,

"in the bills to be emitted on the credit of this State, for perform-
"ing the duties required by this resolve.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution respecting the payment of certificates was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

"*Resolved*, That no directions be given by the State Treasurer
"to the Treasurers of the respective Counties of this State, or
"any of them, to receive and discharge the receipts, notes, or
"certificates, mentioned in an act entitled 'An act for the pay-
"ment and discharge of divers receipts, notes, or certificates in
"the hands of inhabitants of this State, issued by Francis Wade,
"Esq., Deputy Quartermaster-General within this State for the
"Continental Army, and his agents or assistants, for forage and
"other articles furnished by them to the said department for the
"public service,' until he receive the further orders of the Gen-
"eral Assembly for that purpose.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution respecting the purchasing supplies in the respective Counties, &c., was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

"*Resolved*, That the Receivers of Supplies in the respective
"Counties of this State, and every of them, forbear all further
"purchasing or issuing of certificates by virtue of the act entitled
"'An act for procuring an immediate supply of provisions within

"this State for the Army of the United States of America, and "for other purposes therein mentioned.'

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions directing the mode of payment in the Treasury were read the second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"MONDAY, Feb. 12, 1781.

"On motion,

"*Resolved*, That all drafts made or to be made by the General "Assembly upon the Treasury shall be paid by the State Trea- "surer in order, according to the priority of their respective "dates, unless by special directions of the General Assembly "some of a later date be preferred to others of an earlier date; "and that at the end of every session the Clerk of the House of "Assembly deliver to the said Treasurer an abstract of all drafts "made during that session and copies of all special directions for "preferences aforesaid.

"That the drafts in favor of George Craghead, Esq., Clothier- "General, for fifty-five thousand dollars, and the order drawn by "the Speakers of the two Houses of the General Assembly to "enable the State Treasurer to apply eighty-five thousand dol- "lars in the purchase of specie for an advance of pay to the "officers of the Delaware Regiment; the draft in favor of Wil- "liam Millan for twenty thousand dollars, and another in favor "of the same for fifteen thousand dollars, and the draft in favor "of Isaac Carty for ten thousand dollars, to be paid and applied "by the State Treasurer, one after the other as they are men- "tioned in the resolve, in preference to any draft heretofore "made by the General Assembly or the President.

"*Resolved*, That the State Treasurer withhold all further pay- "ments of the two-thirds of the public tax to the Continental "Treasury by virtue of the act entitled 'An act for furnishing "supplies within this State for the Army of the United States for "the ensuing campaign.'

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That Mr. Cook return to the House of Assembly the several foregoing resolutions, respectively concurred in by the Council.

Mr. Cook, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a resolution for affixing the Great Seal to the several bills passed this session, together with the said bills therein mentioned, respectively engrossed and signed by the Speaker of the House of Assembly, in order that the said bills may be signed by the Speaker of the Council.

The same member also delivered to the Chair a resolution for the adjournment of the General Assembly to Dover; and also returned the resolution of the Council empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of Isaac Carty for ten thousand dollars, concurred in by the House of Assembly.

On motion, by order, the several bills above mentioned were read and compared, and directed to be signed by the Speaker; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing bills was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 12, 1781.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, viz:

1. "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes;"

2. "An act for the protection of the trade of this State on the River and Bay of Delaware;"

3. "An act to recruit the Regiment of this State now in the service of the United States;"

4. "An act for stating the accounts of the several Loan Offices and of Commissioners into whose hands any public monies have come by virtue of laws passed under the former Government, and for repealing part of an act entitled 'An act for the appointment of Trustees of the General Loan Offices in the respective Counties of this State;'"

5. "An act for ascertaining the allowance to members of the General Assembly, and for other purposes."

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The resolution respecting the adjournment of the General Assembly to Dover, was read the first time.

By special order, the same was read a second time, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That the several foregoing bills, and the resolution for affixing the Great Seal to the same, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. Polk, together with the resolution respecting the adjournment to Dover, and the proposed amendments thereto.

Mr. Polk, being returned, reported the delivery of the foregoing papers according to order.

Ordered, That the Speaker sign a joint order in favor of Joseph Hazzard and Levin Derrickson for the sum of one hundred pounds; which was done.

Mr. Clark, a member of Assembly, was admitted and delivered to the Chair the resolution respecting the adjournment to Dover, with the amendments proposed thereto by the Council acceded by the House of Assembly.

The same member also delivered to the Chair a message from the President to the General Assembly, inclosing two acts of

Congress of the 3d and 7th instant, and a circular letter of the 8th from the President of Congress to the President of this State.

On motion, by order,

The resolution of the House of Assembly respecting the adjournment of the General Assembly to Dover, was read, as amended, and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., Feb. 12, 1781.

"On motion,

"*Resolved*, That the General Assembly of this State will meet "at the Town of Lewes, in the County of Sussex, on the day to "which the present sessions may be adjourned, and there sit to "transact the public business.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Conwell return the same to the House of Assembly, concurred in by the Council.

Mr. Conwell, being returned, reported the delivery thereof according to order.

On motion,

Resolved, That Messrs. Patterson, Baning, and Cantwell be a committee to consider and report on the accounts brought in at this present meeting, which have not yet been allowed, and that the Speaker draw orders for the payment of the accounts already allowed.

Whereupon the following accounts, brought in for the traveling charges of the members, and other incidental expenses incurred at the present meeting, were allowed, and orders were accordingly drawn on the State Treasurer for the payment of the same, and signed by the Speaker, viz:

To John Baning, Esquire, for the traveling charges of himself and Messrs. Cook and Collins, ... £176 0 0

Carried forward, ... £176 0 0

Brought over, ...	£ 176	0	0
To John Clowes, Esquire, for the traveling charges of himself and Messrs. William Polk and William Conwell, ...	641	12	6
To Benjamin Vining, Clerk of the Council, ...	860	19	9
To William Scott, for wood furnished the Council, .	131	5	0
To Thomas Titus, for his attendance on the Council, &c., ...	60	0	0
	£1869	17	3

Adjourned till to-morrow morning.

TUESDAY, A. M., February 13th, 1781.

The Council met. Present all the members, except Messrs. McDonough, Clowes, Conwell, and Polk.

The committee to whom the accounts of this meeting were referred, now reported as their opinion that the following accounts be allowed, viz:

To John Stockton, for boarding Mr. Conwell, . .	£ 417	15	0
To Mrs. Esther Mackey, for boarding Mr. Collins,	555	5	0
To Mrs. Margaret Bail, for boarding divers of the members and feeding their horses, ...	20,741	12	6
	£21,714	12	6

Which report being agreed to,

Ordered, That the Speaker draw orders on the State Treasurer in favor of the above mentioned persons for the sum annexed to their respective names.

Whereupon the said orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to the 28th day of May next, to meet at the Town of Lewes, in Sussex County.

MINUTES OF COUNCIL.

JUNE, 1781.

MINUTES OF COUNCIL.

JUNE 1781

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JUNE, 1781.

At a meeting of the Council, at the Town of Lewes, in Sussex County, by adjournment, on Monday, the 28th day of May, Anno Domini, 1781, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Tuesday, the fifth day of June, 1781.

TUESDAY, P. M., June 5th, 1781.

The Council met. Present the following members, viz:

For New Castle County—Mr. Cantwell, Mr. McDonough.

For Kent County—The Hon. Thomas Collins, Mr. Baning.

For Sussex County—Mr. Polk, Mr. Conwell.

On motion, by order,

The President's message to the General Assembly, of the 12th of February last, delivered at their last meeting, inclosing two acts of Congress of the 3d and 7th of the same month, recommending to the several States to invest Congress with a power to

levy certain imposts therein mentioned, and also the circular letter from the President of Congress of the 8th of February, were severally read the first time, and the said message is as follows, viz :

"*Gentlemen of the General Assembly :*

"Having this moment received a circular letter from the President of Congress, with two acts of that honorable body, "recommending to the several States to vest in Congress a "power to levy, for the use of the United States, certain imposts "in the said acts mentioned, I have directed the Secretary to lay "the same before your Honors for your consideration.

"New Castle, 12th Feb., 1781. CÆSAR RODNEY."

On motion, by order,

The petition in behalf of Charles Gordon, for leave to return from New York to this State, and Mr. Nicholson's letter, delivered at the last meeting, were now read a second time.

Adjourned till to-morrow morning at 9 o'clock.

WEDNESDAY, June 6th, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 9 o'clock.

THURSDAY, A. M., June 7th, 1781.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

Messrs. Cantwell and McDonough, two of the committee appointed at the last meeting to view the premises mentioned in the petition of John Leuden and report thereon at the present sitting

of the Council, now begged a further time to view the same and report their proceedings thereon; which was granted. Whereupon they are indulged for this purpose until the next meeting of the Council.

On motion, by order,

The President's message of the 12th February last, and the papers referred to therein, were read a second time.

Ordered, That Mr. Clowes return the same to the House of Assembly, and inform them that as the said acts of Congress respect the levying of money, it would be inconsistent with the Constitution for the Council to act thereon in the first instance.

Mr. Clowes, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a bill to aid the discontinuance of the process in the Court of Quarter Sessions of Kent County; which, by order, was read the first time.

By special order, the same was read a second time, and referred to Mr. Clowes, Mr. McDonough, and Mr. Cantwell, to report thereon in the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee appointed to report upon the bill to aid the discontinuance of the process in the Court of Quarter Sessions in the County of Kent, now report as their opinion that the same may pass.

Whereupon the same was read a third time, by paragraphs, and will pass.

Ordered, That Mr. Conwell return the same to the House of Assembly, and inform them that the Council have agreed thereto.

Mr. Conwell reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., June 8th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a bill for raising forty-five thousand dollars in specie or supplies, for the service of the year 1781, by a general tax, with two circular letters of the 23d March and the 24th May, 1781, from the President of Congress, and the several acts of Congress therein referred to, on the subject of supplies.

On motion, by order, the foregoing bill, and papers accompanying the same, were read the first time.

By special order, the same were read the second time; and thereupon, on motion,

Resolved, That this House resolve itself into a grand committee of the whole to consider of the same bill and the accompanying papers.

Mr. Speaker left the Chair.

Mr. Conwell took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Conwell reported from the committee that they had made considerable progress in the business referred to them, and desired leave to sit again in the afternoon.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly respecting the adjournment of the present session.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and proceeded, in a grand committee of the whole, in the consideration of the bill for raising forty-five thousand dollars in specie or supplies, for the service of the year 1781, by a general tax.

Mr. Speaker left the Chair.

Mr. Conwell took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Conwell reported from the committee that they had proposed sundry amendments to the said bill; which were taken into consideration, agreed to, and ordered to be transcribed.

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a bill to dispose of sundry supplies in Sussex County; which, by order, was read the first time.

Ordered, That Mr. Cantwell return to the House of Assembly the bill for raising forty-five thousand dollars in specie, &c., with the amendments proposed thereto by the Council, and the circular letters and acts of Congress accompanying the said bill.

Mr. Cantwell reported the delivery of the foregoing papers according to order.

On motion, by order,

The bill to dispose of sundry supplies in Sussex County, was read the second time, and sundry amendments were proposed; which, being read and agreed to, were ordered to be transcribed.

Ordered, That Mr. McDonough wait on the House of Assembly with the foregoing bill and proposed amendments.

Mr. McDonough reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted and returned to the Council the amendments proposed by them to the bill for

raising forty-five thousand dollars in specie, &c., generally disagreed to by the House of Assembly, except as to a part of their fourth amendment, and their fifth and sixth amendments.

Adjourned till to-morrow morning at 9 o'clock.

SATURDAY, A. M., June 9th, 1781.

The Council met. Present the same members as on yesterday.

The Council now reconsidered the amendments proposed by them to the bill for raising forty-five thousand dollars in specie, &c., and disagreed to by the House of Assembly, and after some time spent therein, the further consideration was postponed.

Adjourned till Monday morning at 10 o'clock.

MONDAY, June 11, 1781.

The Council met. Present the same members as on Saturday, except Messrs. Polk and Conwell.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of their amendments to the bill for raising forty-five thousand dollars in specie, &c., and receded from such of their amendments thereto as were disagreed to by the House of Assembly, and proposed some fur-

ther amendments to the same bill; which, being agreed to, were ordered to be transcribed and sent to the House of Assembly, with the said bill and first amendments, by Mr. Baning, for their consideration and concurrence.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., June 12th, 1781.

The Council met. Present the same members as on yesterday, and also Messrs. Polk and Conwell.

Mr. Baning now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., June 13, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 14th, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the bill for raising forty-five thousand dollars in specie, &c., with the further amendments proposed thereto by the Council acceded to by the House of Assembly, and some amendments proposed thereto on the part of the House of Assembly.

The same member also delivered to the Chair a supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the eighteenth day of March last, and for other purposes."

On motion, by order,

The bill for raising forty-five thousand dollars in specie, &c., with the amendments proposed thereto by the Council and acceded to by the House of Assembly and made therein, and also the amendments proposed by the House of Assembly to the same bill, were read, and the said amendments were agreed to by the Council, and ordered to be returned, together with the said bill, to the House of Assembly, by Mr. Conwell.

On motion, by order,

The supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," was read the first time.

On motion of Mr. McDonough, for leave to bring in a bill, by way of supplement to the act entitled "An act for regulating and establishing fees," the same was granted; whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

Adjourned till 8 o'clock to-morrow morning.

FRIDAY, A. M., June 15th, 1781.

The Council met. Present the same members as on yesterday.

On motion, by order,

The supplementary bill to the act entitled "An act for calling out of circulation, &c.," was read the second time.

On motion, by order,

The bill by way of supplement to the act entitled "An act for regulating and establishing fees," was read a second time.

Mr. Conwell now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the supplementary bill to the act entitled "An act for calling out of circulation, &c.," was read the third time, by paragraphs, and will pass.

On motion, by order,

The bill by way of supplement to the act entitled "An act for regulating and establishing fees," was read the third time, by paragraphs, and passed the Council.

Ordered, That Mr. Cantwell deliver the two foregoing bills to the House of Assembly.

Mr. Cantwell reported the delivery thereof according to order.

Adjourned till 10 o'clock to-morrow morning.

SATURDAY, A. M., June 16, 1781.

The Council met. Present the same members as on yesterday.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair a bill for expediting the march of the recruits for the Delaware Regiment.

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time and postponed for further consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of the bill for expediting the march of the recruits for the Delaware Regiment, and proposed an amendment thereto; which, being agreed to, was ordered to be transcribed.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing bill and transcribed amendment, for concurrence.

Mr. Clowes, being returned, reported that he had waited on the House of Assembly with the above papers according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair an additional supplementary bill to the Militia act, together with the resolutions of the House of Assembly directing that the first class of the Militia hold themselves in readiness to march, and for procuring arms.

The same member also delivered to the Chair a petition, signed by a majority of the owners of the Mill Creek Meadows, in New Castle County, with a bill founded thereon, entitled "A supplementary bill to the act entitled 'An act to enable the owners and

possessors of a certain tract of meadow, marsh and cripple, on both sides of Mill Creek, below the Town of New Castle, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expense thereof, passed on the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and seventy ;' " the original act of the said 24th March, 1770; the report of the committee of the House of Assembly respecting the said banks, and an order to view the allotments thereof.

The same member also delivered to the Chair the bill for expediting the march of the recruits for the Delaware Regiment, with the amendment proposed thereto by the Council disagreed to by the House of Assembly.

The same member also delivered to the Chair a message from the President to the General Assembly, of the 7th instant, inclosing three letters from the President of Congress, of the 1st and 2d instant, and an act of Congress of the 31st ultimo.

On motion, by order,

The additional supplementary bill to the Militia act, was read the first time.

The Council now took into consideration the amendment proposed by them, and disagreed to by the House of Assembly, to the bill for expediting the march of the recruits for the Delaware Regiment, and after some time spent thereon receded therefrom; whereupon the said bill was read by paragraphs and will pass.

Ordered, That Mr. Polk return the said bill and amendment to the House of Assembly, and inform them that the Council have receded from their said amendment and have agreed to the said bill, and that he also return the President's message, and its inclosures, to the House of Assembly.

Mr. Polk reported that he had waited on the House of Assembly with the above papers, according to order.

On motion, by order,

The resolutions directing the first class of the Militia to hold themselves in readiness to march on the shortest notice, was read the first time.

Adjourned till Monday next at 9 o'clock.

MONDAY, A. M., June 18th, 1781.

The Council met. Present the same members as on Saturday.

On motion, by order,

The additional supplementary bill to the Militia act, was read the second time and postponed for consideration until this afternoon.

On motion, by order,

The supplementary bill to the act entitled "An act to enable the owners and possessors of a certain tract of meadow, marsh and cripple on both sides of Mill Creek, below the Town of New Castle, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expense thereof, &c.," and the papers relative thereto, were read the first time.

By special order, the said bill was read the second time, by paragraphs, and will pass.

Ordered, That Mr. Conwell return the foregoing bill, together with the petition and other papers relative thereto, to the House of Assembly, and inform them that the Council have agreed to the same bill.

Mr. Conwell reported the delivery of the above papers according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly, notifying their intention to adjourn this evening, with a resolution for adjourning the present sessions to Dover, of the present instant; which, by order, were read.

The Council now resumed the consideration of the additional supplementary bill to the Militia act, and agreed to sundry amendments to the said bill, which were ordered to be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence, by Mr. McDonough.

On motion, by order,

The resolution of the House of Assembly respecting the adjournment of the General Assembly to Dover, was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, A. M., June 18, 1781.

"*Resolved*, That the General Assembly of this State meet at "the Town of Dover, in the County of Kent, on the day to "which the present session may be adjourned, and there sit for "the transaction of public business.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. McDonough return the same to the House of Assembly, with the concurrence of the Council thereto.

Mr. McDonough now reported the delivery of the several papers given in charge to him according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to six bills passed this session, together with the said bills respectively compared and signed by the Speaker of the

House of Assembly, in order that the same may be compared and signed by the Speaker of the Council.

The same member also delivered to the Chair a resolution for appropriating the sum of five hundred and fifty pounds to the discharge of a public debt contracted by Henry Neill, and also a resolution for ascertaining the amount of certificates for supplies furnished the Commissary's or Quartermaster's Departments in the respective Counties for the use of the Continent.

On motion, by order,

The resolutions directing that the first class of the Militia hold themselves in readiness to march, and for procuring arms, were read the second time and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., June 16, 1781.

"On motion,

"*Resolved*, That the President be requested to issue his orders "forthwith directing that the first class of the Militia, as they "stand classed in the Militia law, hold themselves in readiness "to march on the shortest notice to such place or places, as the "Commander-in-Chief of the Continental Army shall direct, "within the States, as directed by the aforesaid law.

"*Resolved also*, That he be requested to write to the Board of "War, informing them that this State have it not in their power "to arm, equip, and accoutre the regiment of Militia required of "them by Congress, in their resolution of the 31st of May, and "that he request the said Board of War to lend this State as "many arms and accoutrements as will be necessary for the pur- "pose aforesaid.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the laws passed this session, was read the first time.

On motion, by order,

The resolution of the House of Assembly for appropriating the sum of five hundred and fifty pounds to the discharge of a debt contracted by Henry Neill, was read the first time.

On motion, by order,

The resolution of the House of Assembly for ascertaining the amount of certificates for supplies furnished the Commissary's or Quartermaster's Departments in the respective Counties of this State for the use of the Continent, was read the first time.

Ordered, That Mr. Polk return to the House of Assembly the resolutions directing that the first class of the Militia hold themselves in readiness to march, and for procuring arms, with the concurrence of the Council thereto.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The resolution for affixing the Great Seal to the laws passed this session, was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., June 18, 1781.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, viz:

1. "A supplementary act to the act entitled 'An act to enable the owners and possessors of a certain tract of meadow, marsh and cripple on both sides of Mill Creek, below the Town of New Castle, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expense thereof,' passed on the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and seventy;"

2. "A supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes;'"

3. "An act for expediting the march of the recruits raised for the Delaware Regiment;"

4. "An act for aiding the discontinuance of the process and proceedings in the Court of General Quarter Sessions of the Peace and Goal Delivery in Kent County;"

5. "An act for raising seven thousand eight hundred and seventy-five pounds in specie for the service of the year one thousand seven hundred and eighty-one, by a general tax;"

6. "An act to dispose of sundry supplies collected in Sussex County for the Army of the United States."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution for appropriating five hundred and fifty pounds to the discharge of a debt contracted by Col. Henry Neill, was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"MONDAY, June 18, 1781.

"On motion,

"*Resolved*, That the General Assembly of this State will apply "the sum of five hundred and fifty pounds, in specie, out of the "first monies that shall come into the Treasury thereof, towards "discharging a contract entered into by Col. Henry Neill with a "certain Thomas Salte for that sum, in pursuance of an act of "Assembly of the Delaware State, entitled 'An act for the pro-"tection of the trade of the Bay and River of Delaware,' and "the legal interest arising on that contract.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The resolution for ascertaining the amount of certificates for supplies furnished the Commissary's or Quartermaster's Departments, &c., was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, June 18, 1781.

"On motion,

"*Resolved*, That Col. Thomas Duff, of the County of New "Castle; Philip Barratt, of the County of Kent, Esq.; and Wil- "liam Peery, of the County of Sussex, Esq., be and they are "hereby appointed for the counties in which they respectively "reside, to advertise all such persons within their county as have "furnished the Commissary's or Quartermaster's Departments "with any supplies for the use of the Continent to bring the cer- "tificates or other vouchers for the articles thus furnished, that "they may have an opportunity of taking a copy of the dates "of said certificates, the sums of money due, and the articles for "which they were given, that the same may be laid before the "General Assembly at their next sitting.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

Mr. Caton, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly, directing the Receivers of Supplies in the respective Counties of this State to make out exact and complete returns of the quantities and species of supplies raised or purchased, &c.

The same member also delivered certain resolutions, directing a return of all fines and forfeitures imposed in the respective Courts of General Quarter Sessions of the Peace and Courts of Oyer and Terminer and General Goal Delivery in the respective Counties of this State, to be laid, by the Clerks of the said Courts, before the General Assembly.

On motion, by order,

The resolutions directing the Receivers of Supplies to make out exact returns of the quantities and species of supplies raised or purchased, were read the first time.

By special order, the same were read the second time and concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., June 18, 1781.

"On motion,

"*Resolved*, That the Receivers of Supplies, in the respective "Counties of the State, make out exact and complete returns of "the quantities and species of supplies raised or purchased under "the act for furnishing supplies, within this State, for the army "of the United States, &c., passed the 15th April, 1780, and "under the act for procuring an immediate supply of provisions "within this State, for the army of the United States of America, "&c., passed the 21st day of June, 1780; specifying the places "where the same are, or may be deposited; and also exact and "complete returns of the quantities and species of those supplies, "by them respectively delivered for the use of the United States, "together with receipts or certificates of such delivery. And "also that the said receivers respectively return perfect lists of "the outstanding, uncollected supplies, as taxed for under the "first mentioned act, specifying the names of the persons from "whom they may be due, with the quantity and species of sup- "ply they may be rated for, and after transmit the respective "returns, aforesaid, to the General Assembly, at Dover, by the "eleventh day of September next.

"That, at the time and place aforesaid, the Receivers of Sup- "plies for the Counties of New Castle and Kent, respectively, "render an account of the application of the several sums of "money advanced to them by the State Treasurer, in pursuance "of the resolutions and orders of the General Assembly in Feb- "ruary last.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions directing returns to be made of all fines and forfeitures imposed in any of the respective Courts of Quarter Sessions of the Peace and the several Courts of Oyer and Terminer and General Goal Delivery in each of the Counties of this State, were read the first time.

By special order, the same were read the second time, concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., June 18, 1781.

"On motion,

"*Resolved*, That the Clerks of the respective Courts of General Quarter Sessions of the Peace and also of the several Courts of Oyer and Terminer and General Goal Delivery, in each of the Counties of this State, make out exact and complete lists of all fines and forfeitures imposed in any of the courts aforesaid since the 22d day of February, 1777, and that the respective County Treasurers report an account of all fines, forfeitures and penalties which they may have received, under or by virtue of any law of this State, since the time aforesaid, and how they may have disposed of the same, or any part thereof, and that the said Clerks and Treasurers transmit the same lists and accounts to the General Assembly, at Dover, by the third day of September next.

"*Resolved also*, That the respective Lieutenants of the Counties in this State do attend the General Assembly, at their next sitting, at Dover, on the seventh day of September next, with their books of accounts of all such monies which they may or ought to have respectively received, in virtue of their said office of Lieutenant, under the act of Assembly entitled, 'An act for establishing a Militia within this State,' passed the 15th of May, 1778, or under the supplement to the same act, passed the 25th of December, 1779, and in what manner the same monies, or any part, may have been disposed of or applied.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Collings, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly requesting the President to obtain exact lists of the several Militia companies in each of the Counties of this State; which, by order, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, A. M., June 18, 1781.

"*Resolved*, That the President or Commander-in-Chief be requested to obtain exact lists of the several companies of Militia "in each of the Counties of this State, and also the names and "number of men furnished by each company, under the 'Act for "embodying the Militia of this State for the purpose of reïnforcing the Army of the United States,' passed the 21st of June, "1780, specifying the number of men which each of the companies of Militia ought to have furnished, by the said act, and "that the same be laid before the General Assembly, at Dover, "by the tenth day of September next.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The six before mentioned bills, respectively signed by the Speaker of the House of Assembly, were read, compared, and directed to be signed by the Speaker of the Council; which was accordingly done.

Ordered, That the said bills and the several preceding resolutions, with the concurrence of the Council thereto respectively, be returned, by Mr. McDonough, to the House of Assembly.

Mr. McDonough, being returned, reported that he had waited on the House of Assembly with the above bills and resolutions, agreeable to order.

Adjourned till to-morrow morning at 9 o'clock.

TUESDAY, A. M., June 19th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the additional supplementary bill to the Militia act, with the amendments proposed thereto by the Council in part

disagreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said amendments of the Council.

On motion, the Council took into consideration the amendments proposed by each House to the above mentioned bill, and after some time spent therein receded from their amendments as disagreed to by the House of Assembly, and agreed to the amendments proposed by that House to the same bill; whereupon the bill was read by paragraphs and passed the Council.

Ordered, That the said bill and amendments be returned to the House of Assembly by Mr. Polk.

Mr. Polk reported that he had returned the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Houston, a member of Assembly, was admitted and delivered the additional supplementary bill to the Militia act, engrossed and signed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bill.

On motion, the foregoing bill was read, compared, and directed to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the foregoing bill was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., June 19, 1781.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following law:

"An additional supplementary act to the act entitled 'An act for establishing a Militia within this State.'

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Polk return the foregoing bill and resolution, respectively signed by the Speaker of the Council, to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

Then the Council proceeded to the settlement of their per diem wages and mileage incurred at this present meeting, and the account of their Clerk, and the following allowances were made, viz:

	£		
To the Honorable Thomas Collins, Esq., as per account, No. 1,	20	14	0
To John Baning, Esq., as per account, No. 2,	16	5	0
To Thomas McDonough, Esq., do., No. 3,	22	0	6
To John Clowes, Esq., do., No. 4,	14	13	0
To William Conwell, Esq., do., No. 5,	13	5	0
To Richard Cantwell, Esq., do., No. 6,	17	8	0
To William Polk, Esq., do., No. 7,	14	4	6
To Benjamin Vining, Clerk of the Council, No. 8,	18	16	3
	£137	6	3

Resolved, That the Speaker draw orders on the State Treasurer for the payment of the aforesaid respective sums.

Which was accordingly done.

Mr. Cantwell and Mr. Clowes informed the Council that they had received their commissions as fourth Justices of the Courts

of Common Pleas and Orphans' Courts for the Counties of New Castle and Sussex, and thereupon resigned their seats in the Council.

Whereupon

Ordered, That the Speaker issue writs to the Sheriffs of New Castle and Sussex Counties, directing them to hold an election on the first day of October next in each of the said counties, agreeable to the Constitution and Laws of this State, for the choosing of one new member in each of the said counties, in the room of the said Richard Cantwell and John Clowes, Esquires, whose seats have become vacant by their acceptance of the said offices.

Then the Council adjourned to the —— day of September next, to meet at the Town of Dover.

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